

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 20, 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; 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; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

The following items were considered in this Work Session:

1. [ORDINANCE NO. 34-19 – TO AMEND SECTIONS 1040.02 AND 1040.09 OF THE CODIFIED ORDINANCES TO CLARIFY RESPONSIBILITY FOR WATER, SANITARY SEWER, AND STORM WATER UTILITY ACCOUNTS](#) Finance Committee Referral

Mr. Logan advised this legislation was on Council's agenda a month or so ago with the idea of taking a deposit on rental properties of single-family homes. He said after much thought and consideration and talking about it briefly in the Finance Committee Meeting last week, they feel the better way to go is to revert to what was in place quite a while back where the City will only open a new utilities account in the property owner's name. Mr. Logan stated this legislation will accomplish that as well as adding the storm water utility into the billed amount with water and sewer since it is a utility with the City of Avon. He said the storm water utility delinquencies will follow the same rules as does water and sanitary sewer.

2. [ORDINANCE NO. 40-19 – REZONING THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT/GENERAL BUSINESS DISTRICT OVERLAY](#) Planning Commission Referral

Second of Three Readings on Tuesday, May 28, 2019
Public Hearing at 7:20 pm on Monday, June 10, 2019

Mr. McBride asked Ms. Fechter if a woman came in to the last Planning Commission and asked questions about this rezoning request. Ms. Fechter replied there was no one present at the Planning Commission meeting who commented on this issue. Mr. McBride stated he received a call the day of the Planning Commission meeting and he let her know of the meeting that night and that the issue was already in front of Council and that she should have received notice.

Ms. Fechter advised the adjoining property owners were notified. She said apparently there were some comments on social media and they had the dates wrong, but someone did come in to City Hall and spoke with zoning. Ms. Fechter stated the resident was under the impression that Brimar Packaging was a metal stamping plant and that they were expanding their operation and she believes that misinformation was cleared up, but she asked if she should contact this resident directly.

Mr. McBride explained to the resident that the owner who requested the rezoning takes very good care of their property and that the City was going to require setbacks and a buffer. Mr. McBride just wanted to make the City aware in case they should hear from anyone regarding this request.

3. [ORDINANCE NO. 41-19 – TO AMEND SECTIONS 1270.03\(b\)\(11\) AND 1280.05\(gg\) OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF](#)

PERMITTED AND SPECIAL USES IN C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS

Planning Commission Referral

Second of Three Readings on Tuesday, May 28, 2019

Public Hearing at 7:25 pm on Monday, June 10, 2019

Mr. McBride asked for confirmation that the Veterinary Clinic on Detroit Road would like to expand their facility to which Ms. Fechter stated that is what they hope to do.

4. [ORDINANCE NO. 45-19](#) – REAPPROPRIATIONS

Mr. Logan

Mr. Logan explained the reappropriations as follows:

Special Revenue Funds

Street Department Fund - Appropriate \$122,740.00 for 260 lineal feet of retaining wall along Jaycox Road near Riegelsberger Road.

Mr. Logan advised Ordinance No. 47-19 takes that into account so they were not appropriating those funds twice. He said he placed it on for re-appropriating not realizing there would be a special emergency ordinance on tonight's agenda. Mr. Logan noted he would remove this amount from this Ordinance knowing it is taken into account under Ordinance No. 47-19.

Mr. Witherspoon asked Mr. Farmer if we recently fixed Jaycox Road near Riegelsberger Road.

Mr. Farmer stated that was a few years ago and he estimated around 2014 or 2015. He said it was the same situation, but only the portion that was bad at that time was repaired. Now, they were going to fix the rest of it all the way to Schwartz Creek to where the retaining wall is located, and it will all be retaining wall. Mr. Farmer confirmed this is not repairing what was already repaired a few years ago, but this is another area that is collapsing.

Mayor Jensen advised they intend to fix all the way to the bridge this time. He said they did not want to only do repairs in the area that was slumping off, so they plan to go all the way to the end and will not have to worry about it in the future.

Mr. Butkowski said he remembers the City spent approximately \$75,000 and it was under an emergency because it was failing.

Mayor Jensen indicated this is the same kind of emergency as it was failing farther south from where the repairs were previously.

Mr. Butkowski asked Mr. Logan if these funds could be taken out of the storm water utility fund to help shore up the money for the roads.

Mr. Logan advised they could, but it was taken out of the Street Department fund three years ago although three years ago the storm water utility was not in place yet. He said they could look at it that way and they could also look at it as road work. Mr. Logan stated it is a re-appropriation so either budget it was going to be added to that budget and there are funds available in both of those funds.

Mr. Butkowski advised his thinking was that the \$120,000 plus could be used for road repairs somewhere else in the City that would not apply to a storm water utility use since this could be considered a storm water utility use for that funding.

Mr. Logan said they would still want to appropriate the funds regardless of where they put it, but he was just trying to be consistent with the \$75,000 in May of 2016 that funded the repair of the first section along Jaycox Road. He stated this extends that repair another 260'.

Mayor Jensen advised we did not have the storm water utility fund in place at that time and he would rather see the funds come out of that fund if possible.

Mr. Logan advised he would check and make sure we have enough money in that fund, although he believes we do.

Mr. Radcliffe asked if the section that was repaired three years ago was still good.

Mayor Jensen confirmed it is and that there is no problem with that repair.

Mr. Cummins advised he has some pictures if Council wanted to see the area in question.

Mr. Radcliffe asked for confirmation that with all the repairs that are being done on that side of the road, they should not have to do any work on this ditch, whenever Jaycox Road is slated to be improved, that it would just be the road improvement.

Mr. Cummins confirmed that to be true.

Mayor Jensen stated the work that was done three years ago pushed back the embankment and this additional work would be consistent with the opening.

Mr. Cummins indicated on the picture where the work stopped previously, they could see where there was fresh movement leading up to the point where the guardrail posts are being impacted.

Mr. McBride asked in the floodplain if it floods above the section that was repaired.

Mr. Cummins said yes and that for reference he pointed out Schwartz Creek bridge on the map and where the current ends and it was all the way up the wing wall of the bridge and was approximately 260'.

Mr. Radcliffe said there would still be the section that goes up to Riegelsberger Road.

Mr. Cummins advised that has already been done well before 2016. He believed that after this section is complete that most if not all of the rest of the way to Riegelsberger Road has been done.

Mr. McBride said going back to the portion where it was previously repaired, at flood stage if the water goes above that he asked if it started spilling into the open area.

Mr. Cummins advised in the drawing he guessed the water level was 3-4' below the flat open space and it would probably be under 3-4' of water before it would start spilling over in to the open space.

Mr. McBride asked when the Metroparks moves forward with excavating the soil were they going to make certain it was not going over that repair.

Mr. Cummins answered he would say that if they propose something similar to what is currently ongoing around the bend that in this particular case the line would stay uniform although they could probably take material out of one side.

Mr. McBride stated his concern is that if there are enough flood events over that repair that eventually it would start to erode as well.

Mr. Cummins said in the long term they may want a more uniform system put into place. He said this is now Metroparks property and the City has some rights because it is a major ditch, but in the long term the Metroparks may want to see a different treatment along that side.

Mr. Witherspoon asked if it is water erosion that is causing this problem.

Mr. Cummins confirmed it is. He said it is soil conditions and water erosion and because of the slope they get sections that will slump off and ride down and over time it works its way further back.

Mr. McBride advised the slope is too steep.

Mr. Cummins answered initially, yes.

Mr. Fischer asked when the work would start.

Mr. Cummins advised it is being coordinated through the Street Department and he does not have a set time frame right now, but he would try to find that out this week.

Mr. Moore asked if this work would begin after they are done moving the dirt at that property.

Mr. Cummins believed this work would be independent of the dirt removal work and he believes this work will happen almost immediately. The dirt removal work will be ongoing for a couple of months. Mr. Cummins noted there has not been a lot of dirt removal recently as there has been a lot of moisture and initially it was thought there would be drier weather in the Spring and have the dirt dry out manually, but there was such a wet Spring that it never materialized fully. He said he did not know if the contractors have other opportunities for dirt elsewhere or if they still have more dirt to take, but they have not taken out as much to date as the City expected.

Mayor Jensen advised he spoke to the gentleman from KMU and they said they have more dirt to move out from that property; they just have not had the opportunity to get in there.

Recreation Income Tax Fund No. 240 - Increase appropriations \$20,000.00 for preventative maintenance contracts for the YMCA.

Mr. Logan advised the City has historically taken their share of maintenance expenses out of the 240 Fund. He said Mr. Farmer has been working more with the officials at the Y in trying to get some preventative maintenance set up. Mr. Logan said the City has incurred some expenses and they could revisit the operating agreement at any point. He stated the City basically pays for maintenance items when they exceed \$1,000 on any invoice plus the City pays for the cost of the shutdown of the pool. Mr. Logan advised this is a contract with The K Company to set up a preventative program at the YMCA and the reason they would like to appropriate \$20,000.

Park Operating Fund No. 250 - Increase appropriations \$114,150.00 for mowing of Northgate, Schwartz Road, Little League and Veterans' Memorial parks.

Mr. Radcliffe asked how much is normally appropriated for mowing these properties.

Mayor Jensen advised typically they have not been doing it this way. He said in this year's budget they had a new vehicle, mowers and a new employee added. Mayor Jensen stated that since Mr. Farmer has been working with the Parks Department and since hiring a new employee; they looked at whether they should buy these new items or if they should subcontract out the mowing. He said they tried to figure out the cost if the City did this work themselves versus contracting it out. Mayor Jensen explained now they would not see the purchase of a new vehicle or hiring a new employee and they would not be buying mowers. He confirmed this cost is for contracting that work out. Mayor Jensen said when appropriating funds, they cannot say instead of buying the truck they were going to subcontract out the mowing; they have to re-appropriate those funds.

Mr. Logan stated generally towards the end of the year when they have appropriated monies that they know are not being spent, they would come to Council with a reduction in appropriations, but it was a bit early in the year for that now.

Mayor Jensen distributed a cost analysis for mowing in-house versus contracting out for the mowing. He said with this year especially with regards to the mowing the City has had to supplement some of the work areas. Mayor Jensen advised mowing requires four employees working 40 hours a week and that is what the City has been doing with mowing all the parks areas.

Mr. Farmer stated that is the contractor's price with their hours. He said as the City they have to look at it includes going to the shop every morning and picking up a vehicle with a trailer or driving to the location. Mr. Farmer said there is a lot of incidental costs that are not reflected such as weed whackers and blowers. He advised the City employees are doing that now with the mowing and as Council goes through the cost analysis he felt it is a cost savings to the City and allows the City employees to work on other things besides mowing. Mr. Farmer stated they were not getting rid of any services but were going to be able to create more services for the residents by making the parks better and having the ability to do other things since right now they are spending most of their time on a mower.

Mayor Jensen advised if the City wants to hire more employees to continue mowing these properties they would have to carry them all through the year so there is a savings right there with not having to carry employees all through the wintertime.

Mr. McBride commented that \$35/hr. is a good rate.

Mayor Jensen advised the City would not be able to hire the work in-house for that amount. He said this year they broke the work up by different parks and next year they were going to try to combine it all together although that does not mean they will get a better price. Mayor Jensen said when all the City properties are

combined they have had people shy away from agreeing to do the work and they were not sure how it was going to be received when going out for bids next year. He mentioned that Westlake combines all the properties for one bid and their price was not any better than what we paid.

Mr. Farmer noted that Westlake had 170 acres being mowed and Avon had just over 129 acres of City properties that are currently being mowed. He said the City of Westlake has found that it has saved them a good amount of money and they were able to work on other things that matter to the residents. Mr. Farmer felt that getting out of the business of purchasing mowers was a good decision as a Toro Groundsmaster is a \$20,000 piece of equipment and approximately every 2,000 hours they would need to replace that piece of equipment.

Mr. McBride asked if the City is going to keep some equipment for those times it might be needed.

Mr. Farmer stated we will as the contracted mowing is once a week and the sports fields such as the soccer fields and the baseball fields may require an additional mow to keep the grass at 2.5". He said they would only be cutting the fields the additional time if necessary. Mr. Farmer mentioned the outside part of the fields are cut to 3" to 3.5". He added that the City employees were weed whacking and edging the grass and the City employees can work on things that need to be worked on.

Mr. McBride agreed they needed to keep some equipment on hand for occasional use.

Total Special Revenue Funds Re-appropriations \$256,890.00

5. [ORDINANCE NO. 46-19](#) – TO AUTHORIZE THE FINAL PLAT AND SUBDIVIDER'S AGREEMENT FOR NORTON PLACE SUBDIVISION NO. 2 Planning Commission Referral

Ms. Fechter advised this is phase 2 of Norton Place which consists of 3 lots off Middleton Road.

Mr. Logan confirmed that all the required deposits were received.

Mr. McBride stated he notices coming out of Middleton Road to go north on Jaycox Road that it seems as if the street signs in Norton Place are substandard as they look too small. He said they do not appear to be the same size as the Middleton Road sign and he noted he was talking about the height of the letters.

Mr. Farmer advised they were provided our standards and they are supposed to adhere to the standards of the signs. He indicated he would check on the signs.

Mr. McBride added if they are to our standard then we may want to look at changing our standards.

6. [ORDINANCE NO. 47-19](#) – TO AWARD A BID PURSUANT TO ORC 735.051 TO CONSTRUCT/REPAIR THE FRENCH CREEK RETAINING WALL ON JAYCOX ROAD Mr. Cummins

This repair was also discussed earlier in the meeting under the re-appropriation of funds by Ordinance No. 45-19.

Mr. Fischer asked since this is not going out for bids he wondered where this cost falls in relation to Mr. Cummins estimated cost of the project.

Mr. Cummins felt the cost is in line with what has been done before. He advised he has not put together a formal Estimate on that stretch of repairs, but it is certainly in line with the emergency work they had done back in 2016.

Mr. Logan said he believed it was the same cost per lineal foot as it was in 2016 by the same company. He mentioned it is \$122,740. for 260 lineal feet.

Mr. Fischer asked since this is being passed as an emergency if there is any danger to drivers and the reason

they were not going out to bid and the reason he asked when the project would begin.

Mr. Cummins advised they could see in the picture how the erosion was starting to encroach on roadway posts. He said they could see there was some very substantial slippage to the point where the posts are starting to be impacted and he felt it is an imminent safety issue.

Mr. Fischer asked if we needed to close that road and begin the work immediately.

Mayor Jensen advised he spoke with Mr. Loeser and the reason it was decided to pass it by emergency. He said if they thought it could have waited they would have done so and while Mr. Loeser was not saying it is a danger right now, if there are a couple more rain events then the City would probably have to close the road. Mayor Jensen stated that is the reason they would like to get the company who did the repair work on the other portion right on it for this area.

Mr. Radcliffe asked how many feet were repaired previously.

Mr. Logan advised if they take $\$122,740 \div 260$ feet would get them the cost per lineal foot.

Mr. Radcliffe stated that is $\$472$ per lineal foot.

Mr. Logan said then take $\$75,000 \div \472 which equals approximately 160 lineal feet.

Mrs. Holtzmeier asked for thoughts on a guardrail at this location versus the posts as there is quite a drop off.

Mr. Moore felt a guardrail in that area would be a great idea.

Mr. Cummins advised they could evaluate it to see if it would warrant guardrails. He felt it would be some amount of safety improvement to have a modern guardrail installed.

Mayor Jensen stated the only drawback would be that people cannot see cars pulling out because the guardrail would be blocking the line of sight when you look to the right going down Riegelsberger Road. He agreed safety wise a guardrail would be an improvement. He noted that the current wires with posts have kept a car from going over the embankment in the past.

Mr. Logan stated that since Council will be acting on this legislation in the Special Meeting tonight he pointed out in the last line of section one of Ordinance No. 47-19 as Council discussed earlier that they would rather the funds come out of the Stormwater Utility Fund No. 633 that revision should be made before taking the vote.

Mr. Gasior noted that since the legislation has not been read he could make that revision without an amendment to the Ordinance.

7. [ORDINANCE NO. 48-19 – ADOPTING A REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY DATED MAY 10, 2005](#) Mr. Cummins

Mr. Cummins advised he has been working with the Utilities and Streets Departments to update the construction standards for the City by bringing them up to the current state of play of materials and methods, and also organizing and presenting them in a clearer manner as well. He said the document is approximately 120 pages and he mentioned he would provide a copy to the Council Clerk to have on file in her office and he would be happy to go over them with Council as well. Mr. Cummins stated they were cleaning up a lot of things that over the years the Utilities and Streets Departments have verbally stated as the City standard, but they have found that it works better if it is also stated in writing and the reason they would like to update these standards. He advised this makes it clearer so that everyone has the same information and expectations from the beginning. Mr. Cummins said he would ask this go three readings in case there is any input on it from the development or

construction community.

Mr. McBride advised if we are making improvements to our Code and it may cost developers or contractors more money, then the construction community would have an issue with it for that reason. He felt they should tear the band-aid off all at once.

Mr. Cummins advised that is a decision for this body to make.

Mr. Fischer asked if there was a benefit that Mr. Cummins could see that did not involve costs that might be brought to the City's attention that could be considered for inclusion in these standards.

Mr. Cummins felt that would come through in the comments and questions and if there was a positive suggestion, that would be good to hear. He said the Utilities and Streets Department and the Administration are very comfortable with what is proposed. Mr. Cummins advised he could see no issue with it being passed on emergency, but he would most likely get calls saying they did not know something was passed.

Mr. Radcliffe asked if there was a procedure for letting people know that Council is considering passing these updates.

Mr. Cummins stated it will be listed in the public meeting notices and it will be discussed as we go through the planning process with various projects and he believed the word would get out.

Mayor Jensen asked the Law Director if there was a point where legal challenges could come up because Council did not go three readings.

Mr. Gasior advised no.

Mayor Jensen explained that typically the City is already using most of what is in this revised document; it is just not all currently stated in the document. He said the City has been working by the revised standards and they want to ensure they are put in place, so someone cannot come back and say it is not in writing although the City has held to most of these revised standards already.

Mr. Cummins noted it could always be amended in the future.

Mrs. Holtzmeier asked what the implementation protocol would be for projects that are currently within the system in some way.

Mr. Cummins advised the way the Ordinance was written is that it would apply to any project that has not received final engineering approval at the time of adoption of the Ordinance. He explained even if a project was mid-stream of planning they would be subject to these revisions. Mr. Cummins reiterated that these are not serious deviations and by and large they are already being followed, but that is how the Ordinance was written so that at the time of adoption if they do not have final engineering approval they would subject to these requirements.

Mrs. Holtzmeier inquired if there would be a notification period for those who might be in the middle of that process to be made aware they might have to put some more money into changing plans to comply.

Mr. Cummins stated now that this Ordinance is under consideration they will certainly let anyone who comes in for engineering review be made aware that this is where they are headed and that they should make efforts to comply with it now.

Mayor Jensen indicated the City has already been using these standards, they just want to make certain that no matter the leadership that these same standards are followed and not leave it up to a judgment call or discretion of the Department Head. He said in that way, everyone will be held by the same standard.

Mr. Gasior advised he was going to further review the last set that was adopted in May 2005 and see if that Ordinance went three readings. He said there is a reference in part twelve of the Code that refers to the construction drawings, but he was not certain what they were promulgated under. Mr. Gasior speculated they may have to go three readings and said he would get back with Council next week after he has a chance to research it further. He stated it could end up going to Planning Commission from this body and he would be checking the Charter and looking at the mandatory referral section.

8. RESOLUTION NO. R-13-19 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT Mr. Gasior

Mr. Gasior advised from what he could tell this is a fairly standard agreement that Avon has adopted every three years for the last six years and they were now going into another phase of it. He noted the plan was available online and the County sent over a letter to the Mayor's office requesting City Council pass this Resolution to adopt the solid waste management plan. Mr. Gasior said City Council ratified the changes in 2013 and 2016 and there was some discussion back then because there was a specific section of the plan that was a bit controversial at the time, but the one before Council tonight he felt was all fairly straight forward and he did not believe there were any issues at the County level. He said the letter mentions that several representatives attended these meetings and hashed out this plan and there were no issues. Mr. Gasior noted the document is lengthy, but it covers all aspects of solid waste disposal for the County.

Mr. McBride asked if there is anything in the agreement that covers tipping fees.

Mr. Gasior said he did not know. The letter has a link to the document online or you can enter the information in your web browser. He stated the whole plan is there and he wishes they had done a summary, but they did not and there is a deadline of 90 days for it to be ratified by all political subdivisions of Lorain County. Mr. Gasior advised Council was basically trusting the judgment of the representative group that put the plan together by ratifying their decision. He said he did not know the consequences if Avon City Council does not ratify the plan. Mr. Gasior said he could look into it if that is the wish of Council.

Mr. Logan said he believes we get recycling grant monies from the Solid Waste District.

Mr. Gasior speculated besides losing the grant money if there were any other repercussions if Avon decided not to adopt this plan.

Mr. Butkowski advised when they were going through all the garbage contracts earlier in the year he thought the plan was set up so that the County could then take fees from all the municipalities that dispose of their solid waste at the landfill owned by Republic Waste. He said it was basically all the communities agreeing to that solid waste idea that all our solid waste goes to that facility and the County gets a cut which amounts to a lot of money.

Mr. Gasior suggested if Council would feel more comfortable then maybe a representative of the Solid Waste District should attend a Council Meeting and explain to this body what is in the plan.

Mr. McBride felt that might be best as Avon does not have a representative at their meetings.

Mr. Gasior explained that Ms. Young, the former Clerk of Council/Recycling Coordinator was involved with the Solid Waste District and attended meetings on behalf of Avon. He advised he would contact the County to see if a representative could attend a future meeting.

Ms. Brooks indicated she has not attended the Solid Waste meetings as a representative of Avon.

Mr. Butkowski felt he did not know if there was really anything that could be done to change it if they wanted to.

9. RESOLUTION NO. R-14-19 - DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2019 SIDEWALK PROGRAM Mr. Cummins

Mr. Cummins advised there have been five areas in the City that are determined for this year's program. They are Schwartz Road from Stone Wheel to Potterstone Way at 1,000 feet, Schwartz Road from Sandy Lane to Schwartz Road Park at 530 feet, Riegelsberger Road on the north side from Kensington to Jaycox at 318 feet, Detroit Road north side from French Creek Road to Briar Lakes at 1,001 feet and Moon Road west side from Woodland Trails to McIntosh Place at 1,024 feet. He said they estimate the cost at \$25 per lineal foot and plans are being finalized and they are asking for this Resolution Declaring the Necessity be passed to move forward.

Mr. Butkowski said they talked about potentially changing the way this is handled where the sidewalks are installed by the City and charge the residents as opposed to how it was done in the past where the residents would be responsible for installing their sidewalks. He asked how the process was going to be handled.

Mayor Jensen advised the City's intention is to install all sidewalks at the same time, but if a property owner chooses to do their own ahead of time they could do so, but there is a small window.

Mr. Gasior advised there were two ways to do it legally, but he felt this way is a more common way which is pursuant to ORC 729.02 that specifically covers sidewalk assessments. He said this Resolution is worded exactly like that section. Mr. Gasior explained the property owners will be given the opportunity to install the sidewalk themselves and based on the estimated lineal feet of cost the City would install the balance of those sidewalks assuming they would be well below the threshold for a competitive bid requirement. He advised the other way of doing the sidewalk program would be for the engineer to draw up plans and specifications similar to a road project and then have Council declare the necessity and the plans and specifications would be on file with the Clerk and give property owners the opportunity to object and if there are objections an Equalization Board of Appeals meeting would be set and advertise for bids and install the sidewalks and then assess the property owners. Mr. Gasior stated that second way falls under ORC 727 type of assessment, which are more commonly done for sewer and road improvements. He said when they advertise for bids it is hoped there would be several and the City would go with the lowest and best bid and the cost would be broken down per lineal feet for the amount of sidewalk per parcel. The property owners would then have 30 days to pay it and after the 30 days it would be applied to the tax duplicate. Mr. Gasior advised it is a lot more feasible to go this route and allow the property owners time to install their own sidewalk, but if Council wants to consider doing it the second way mentioned for next year, he would recommend they start the process in February or March.

Mr. McBride felt we should go with the way it is set up now, with the cost and time for an Equalization Board was an unnecessary expense. He suggested they allow sufficient time for the City to install the sidewalks before the start of school at the end of August if the property owners do not install them.

Mr. Gasior advised the way this Resolution was drafted and submitted he had September 30th in section 3 and Mayor Jensen suggested moving the date to August 1st based on Mr. McBride's comments.

Mr. Farmer noted that is a busy time for contractors as they were all trying to get their jobs completed.

Mr. Gasior advised if residents are having trouble getting the work completed they would most likely contact the City and it was up to the discretion of the Mayor or the Service Director to decide whether to grant an extension. He mentioned an August 1st date could be put in the legislation.

Mr. Radcliffe added that if a property owner is scheduled with a contractor and the contractor was backed up he felt that was an easier decision than if they had not made arrangements.

Mr. Witherspoon suggested August 15th.

Mayor Jensen advised the City has an estimated cost to provide the property owners and if they could get a better price on their own, the City will work with them, but chances are they cannot.

10. RESOLUTION NO. R-15-19 – TO ADVERTISE FOR BIDS FOR THE BRIAR LAKES PUMP STATION ABANDONMENT PROJECT Mr. Cummins

Mr. Cummins advised this is the sanitary project along French Creek Road and the Resolution of Necessity was passed a few weeks back and they wanted to move forward with getting construction bids. He noted there is one property owner who has appealed their assessment. Mr. Cummins stated in speaking with the Law Director he thought it was appropriate to go ahead and start the bidding process and move toward awarding a contract for the work.

Mr. Witherspoon asked as to the cost for removing the pump station.

Mr. Cummins stated for the removal of the pump station itself it was approximately \$15,000. He added that they were leaving a lot of the structures in place and will be filling and piping through them so they were not digging a big hole to remove everything in total. Mr. Cummins explained the force main would be filled with grout so that portion is relatively inexpensive.

Mr. Gasior asked regarding the objections received and the Clerk confirmed only one appeal was filed in her office. The Clerk added that for the handful of certified cards that were not returned, letters were sent by regular mail and it has been two weeks since that date. Mr. Gasior advised since there is only one objection they may try to meet with that party and try to explain the Assessment Equalization Board process although that may be futile. He added if they can avoid having an Equalization Board meeting it make things move a little smoother with the process for the project. Mr. Gasior stated the fact that someone has filed an objection does not prevent the City from advertising for bids, awarding the bid and beginning the project. He said the Equalization Board is in place for the objector to have their hearing and once the hearing is held then Council will adopt the findings of the Equalization Board and the assessment will go on when the project is completed. Mr. Gasior noted if the objecting party then wishes to file in Common Pleas Court they could do so.

It was noted there was one objection out of 36 property owners.

Mr. Gasior advised the City Engineer and other City Administration after the formal meetings to answer questions from the property owners. He felt they did a good job of answering questions and satisfying curiosities about the process and the estimated assessments were lowered even further and he believes that was appreciated. Mr. Gasior stated the property owners who have appealed have a tough situation with their frontage and they were going to have an expensive proposition to tie in.

Mr. Cummins agreed and advised a lot of the connection route would be under existing concrete. Mr. Gasior advised those are problems that the Equalization Board does not have any authority to change. He felt if it could be explained exactly the powers and duties of the equalization board and that they cannot grant relief in most situations for that type of thing and possibly they might withdraw their objection and save some time and energy.

11. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE had no comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 advised he knows they have out for bid the widening of Nagel Road from Middleton Road to the intersection at Detroit Road.

Mr. Cummins clarified that would be advertised for bids on Wednesday.

Mr. Moore inquired if they would be talking about that intersection as he has noticed when traveling on Detroit Road westbound at a certain time of day that motorists are crossing the double yellow line to access the turning lane to head south on Nagel Road. He stated he has witnessed twice where cars were almost hit by oncoming traffic. Mr. Moore said they all know the intersection is really bad, but he asked when that intersection would be improved because at 4:00 p.m. cars were flying all around that area and it was like that until 6:30 p.m. He stated traffic backs up as far east as the nursing home.

Mr. Cummins advised we are constantly thinking about that intersection and have been trying to secure safety funds to do an improvement at that intersection. He said the safety funds may be available for the roundabout option and they have presented to both ODOT District 3 in Ashland and at ODOT's central office in Columbus seeking safety funds. Mr. Cummins stated if the safety funds are awarded as currently asked they would pay for approximately 70% of the project cost in total. He said the City would pay for the design upfront, but a good portion of safety funds from ODOT would kick in with some funds paying for the right of way acquisition and others in the construction. Mr. Cummins advised ODOT has said that we will have an answer to that request some time in mid to late June and we have expressed that we would like to move on that project as quickly as we can if fortunate enough to secure those funds. He reiterated it is something that is being pursued to try to get a substantial amount of outside funds to help pay for that improvement.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE reported that the Council Meeting next week would be held on Tuesday, May 28th due to the Memorial Day holiday.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR reported he would be starting to put together the preliminary tax budgets soon. The County would like these in front of the Budget Commission by July 19th. He advised he would be sending out a memo to Council to let everyone know when they would be starting the process on the preliminary budgets for 2020.

AUDIENCE:

No comments were made from the audience.

12. ADJOURN: 8:35 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