

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, JUNE 17, 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; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT: Service Director – Mike Farmer

The following items were considered in this Work Session:

1. PRESENTATION REGARDING ESTABLISHING TREE PRESERVATION AND MANAGEMENT PLAN
IN THE CODE Rick Varga, Arborist

Mayor Jensen advised in the past, Council has asked him about what could be done to preserve more trees and what could be done as far as establishing a tree preservation standard. He said with the recent development by Pulte Homes next to Devonshire, was that those residents complained that their trees were affected by the development. Mayor Jensen stated they have always allowed developers to clear their own properties. They started researching the issue and he asked Mr. Varga to provide an overview of what they may present to Council at a later date, but first, Council will need to refer it to the Planning Commission if Council agrees to move forward.

Mr. Varga advised he is a certified arborist and he also has a certification in tree assessment and a BA in environmental studies from Cleveland State University. He is a certified horticulturist and has a certified masters from Ohio State University. He was called by Lawrence Management to look at Stratford Village, where the Pulte Homes development is located off Detroit Road, because of all the trees that were compromised from when the developers cleared the land. Consequently, there were problems with the existing trees and he also received some calls from various people asking questions about different sites where the land was being cleared. He said they are trying to propose different ways that they can approach this issue to have some type of tree preservation plan in the City as he felt it is really essential for them to start thinking and looking at this aspect before they are no longer considered a Tree City. Mr. Varga added there are a lot of concerns from a lot of different residents about the City's tree situation with all the development.

Mr. Butkowski said he personally hates it when developers come in and clear cut everything and he has asked many developers why they do that and the canned response he receives is that the trees cannot be there as the trees were going to die when the heavy equipment comes in.

Mr. Varga advised in one of his handouts it lists construction and in that there is preservation and guides for protecting trees from construction damage. He said he has also worked with the City of Cleveland and he is the consulting arborist for AT&T. If they follow this protection plan, they can save trees. The construction companies just want to make money and the easiest thing for them is to take all the trees out. Mr. Varga stated the City would also like to create a buffer zone and they do not want the wooded areas destroyed right up to the property line. They would look at the trees and figure out what trees can be saved, and which ones are quality trees. There may be situations where there are no quality trees to be saved, but at least give them the chance to evaluate them and look to see if some can be preserved and establish a buffer zone. He said he also worked with the City of Olmsted Falls in creating a plan and how to approach trying to save the trees. If Council is interested they could move forward with that in the future and proceed with this plan.

Mr. Witherspoon asked what legal power the City has to protect anything on a piece of property purchased and owned by a developer.

Mr. Varga said that is what they are trying to implement by creating a tree protection plan in the Code by Ordinance for the City. The contractor would be required as detailed in the Code how to protect these trees from the City's perspective.

Mr. Gasior advised he has not had a chance to look at the Ordinance passed by Olmsted Falls yet, but it would require property owners to notify the City that they plan on removing trees for a subdivision and that would give the City opportunity to see what trees can be protected. He stated they have something like this in our Planning and Zoning Code right now, but he was not certain that it gets enforced.

Mr. Varga added that Avon's Code is not as detailed as what was passed in Olmsted Falls.

Mr. Gasior advised to Mr. Butkowski's point, every developer that comes before the Planning Commission will tell them that once they begin construction they could not protect the trees and that if trees do not die right away they would die in 3 to 5 years.

Mr. Varga added with all due respect, that was because of their ignorance of trees.

Mr. Gasior stated Mr. Varga has spoken with him and the Mayor and there does seem to be an interest in pursuing this a little further to see what can be done as a City when a developer comes in and takes everything down and nothing was preserved, and the majority of the neighboring property owners suffered damage. He said that maybe Council should consider protecting the vegetation of the adjoining property owners because they did not ask for their trees to be damaged or destroyed as a result of a subdivision going in next door.

Mr. Varga said he is also an Avon resident and that is another reason for him to be concerned about this issue.

Mr. McBride stated some communities have Ordinances that regulate when planting a tree that once the tree is fully developed that drip edge is not to be over the adjoining property line. He said he does not have a problem with a tree protection Ordinance as long as we are also calling out when a tree needs pruned when infringing on someone else's property.

Mr. Varga stated if they are mindful in their plan they could get grants from Tree City USA for trees and they could make the developers plant species of trees that are more desirable, more aesthetically pleasing.

Mr. Gasior advised what is in Avon's Code currently simply identifies trees of a certain caliber.

Ms. Fechter added that it also states in another section of the Code that it is the developer's discretion to save trees, but there are not hard rules or regulations behind that discretion.

Mr. Radcliffe asked if this would go a step further by saying we want these trees protected and if trees need to be replaced that they will have to come from a certain variety that would be environment specific as spelled out in the Code to which Mr. Varga answered yes.

Mr. Witherspoon suggested this proposal be sent to the Service Committee to discuss further and if they desire, it could be sent to Planning Commission.

Mr. Gasior added that if it is referred to Service Committee and if anything should come out of the Service Committee then it would come back to Council and be referred to Planning Commission. He said as a starting point they could use the legislation that Mr. Varga assisted Olmsted Falls in drafting. Mr. Gasior suggested the

Service Committee Members look it over and be ready to discuss it when they set their meeting to pick up this issue as it appears to be pretty comprehensive.

2. ORDINANCE NO. 52-19 – REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT

Planning Commission Referral

Second of Three Readings on Monday, June 24, 2019

Public Hearing at 7:25 p.m. on Monday, July 8, 2019

Mr. McBride asked if they have come in with their engineering showing they can do this without causing issues.

Ms. Fechter advised currently on the Planning Commission for Wednesday night was just seeking approval of their preliminary plat. She said there are still some unanswered questions and they are reviewing their engineering, but their final is not until the July meeting of Planning Commission.

Mayor Jensen asked Mr. Cummins if these developers realize that the City will not allow them to have open ditches.

Mr. Cummins advised yes, they have been provided that in comments about their submission. This particular section is actually for the commercial development, which is on the north side and is not part of their current submission.

Ms. Fechter stated the commercial building and the residential are two stand-alone projects. Initially they were together when they were sharing a basin.

Mayor Jensen advised to update Council, the City does not want the residential project to go forward without the commercial first.

Mr. Cummins stated that he believes the residential has many serious problems to it. The current proposal calls for removing enclosed storm sewer systems and establishing a large open ditch system instead and he has noted that would likely not be acceptable. He said the commercial on its own can be done independently as it has a separate connection point to a drainage way that goes under I-90 and they are providing independent detention, but that is not before Council right now. Mr. Cummins advised they are asking for the rezoning and they have not submitted the other as a stand-alone package.

Mr. McBride asked how many acres total on the commercial property to which Mr. Cummins answered 2.8 acres. He felt having the commercial development in place first then the housing is probably the smart way to go. Mr. McBride said the storm water would go under I-90 through a separate culvert and he asked if that was it and where does it head north.

Mr. Cummins answered with regards to the commercial area that it comes out over the vicinity of GetGo on Just Imagine Drive and continues to head north from that point in established drainage ways. He said whereas the subdivision heads east along Avon Road over to Gifford Ditch.

Mr. McBride advised the subdivision drainage is the one he is more concerned with and he wanted to know whether it is culverted or open ditch.

Mr. Cummins advised there is a very substantial drainage area that comes along the south side of Avon Road heading to the east. The developers have proposed to handle that via an open ditch system and they have been put on notice that probably would not be acceptable and they are before Planning Commission this coming Wednesday night and they have not submitted a different plan as of this point.

Ms. Fechter added their open ditch concept is on their preliminary plat.

Mr. McBride stated he does not know how much more capacity Gifford Ditch has available.

Mr. Fischer advised the water in Gifford Ditch was touching the bridge yesterday.

Mr. McBride stated his issue is where is the water going to go. The last time it flooded bad in that area the Service Department was pumping water across the road to the north side, so it would head under I-90 and go out the other direction. The subdivisions were basically inundated although he does not believe there were any flooded basements, but it was a joke how much water was there.

Mr. Fischer advised everyone knows water is a huge issue, but right now they are asking for a rezoning to commercial. He felt they want the commercial zone to come further down Avon Road. The residents in that area do not want businesses coming all the way down Avon Road and it is starting to creep its way down the road. Mr. Fischer stated they are asking for a bigger building and bigger parking lot and then the water issue with a smaller retention pond and Gifford Ditch and all the issues already talked about. He said just concerning the rezoning he felt it is creeping down Avon Road.

Mr. Cummins added that the developers have been on notice since December of 2015 that storm water is a key issue in that area and at least suggested that this may be some amount of premature development and they continually try to come up with ways to address the larger problem. One way was through proposing a large detention basin and they were not able to get approval for that plan through ODOT. Now they have proposed this open ditch system and it probably is not the safest way to go either. It comes back now to whether they can find a way to handle the storm water safely and improve the situation in that area. He said that is something that Planning Commission will have to decide if it is the right time to allow that development or if it is premature and some other things need to happen first.

Mr. Gasior clarified that Mr. Cummins was speaking of the housing development. He stated the water for the office goes through a different channel to which Mr. Cummins confirmed that to be true. Mr. Gasior said this legislation is dealing with the rezoning for the office.

Mr. McBride asked for clarification that the buffer and detention is still at the eastern most part of the development.

Ms. Fechter stated it is no longer a retention basin, but rather more or less it is open space.

Mr. Cummins added that instead of proposing a basin to collect and manage the outflow of the large drainage area that comes to this proposed residential property, at this point the developers have just proposed a way to convey that flow down Avon Road to the receiving ditch to the west. He said the developers are not really doing anything to improve the stormwater management; it is more of a conveyance and that is what they currently have proposed.

Mr. McBride asked if the developers would have an updated layout at the next Planning Commission meeting.

Mr. Cummins advised they do not know. He said they have submitted a preliminary plat and comments were issued on that preliminary plat and there has not been a new submission.

Mr. Fischer asked if Council decides not to allow this rezoning to office district would that deal be "dead in the water" for the developers.

Mr. Cummins said he honestly does not know. He stated in his mind, it seems the City has gotten mixed messages over time. There have been statements made that one is needed to do the other and if the commercial happens that it would help fix the stormwater. Mr. Cummins advised it very clearly shows on the current

preliminary plat that the office is not part of that plan. He commented that Council would have to ask the developer about what is contingent upon what and what has to happen first in their eyes.

Mr. McBride stated that the north side, to him, was like a triangle area and he was not necessarily opposed to rezoning that, but he wants to see the layout of that property. He said we do not need parking all the way down at the east end and we do not need things that impact the housing as he felt they ought to be able to handle that with that amount of property pretty well to shield the homes on the south side of Avon Road as well as the homes on Avon Road to the east to create some distance and space. Mr. McBride advised the developers are talking about a walking trail and some other amenities that they may want to deed over to the HOA. But, this rezoning could be “dead in the water” if they do not show us what they want to do. He said the problem with preliminary plats is that they change. Mr. McBride felt the developers do not want to be in a position where the City revokes that and ends up in a legal battle because they did not do more work up front. Mr. McBride commented that as of right now, his inclination is to not approve their rezoning unless they bring something in that is a little closer to a final plat where the layout really is not going to change. The orientation of the building on the same footprint plus or minus 50’ or if it is was another story high potentially who cares, but in terms of layout or parking or things that would impact the residential homes immediately adjacent. An office building like that at 3 stories was not too bad, but there are some better step down uses next to a residential district without having to go to multi-family housing.

Mayor Jensen advised when this request came before the Planning Commission, the only reason it was a positive referral to City Council was because the rezoning was going to help with the stormwater issue. Initially when the plan was brought forward the developers just wanted to do the residential housing but could not because it was cost prohibitive due to what was needed to help with the water runoff situation. Mayor Jensen said he is somewhat confused by the developers’ comments because they have stated they needed one project in order to help with the other and now they are saying they are stand-alone projects. He said if the decision to provide a positive referral from Planning Commission were before him now, he would not be in favor of rezoning something that was not going to benefit those residents. Mayor Jensen said that Planning Commission felt at the time it was going to benefit the residents and it was going to help with the water runoff situation in that area and the reason Planning Commission recommended it favorably to City Council. He said he is all for helping a developer if it benefits the residents, but if the developers are now saying these are two separate projects he feels it makes it very difficult.

Mr. Butkowski agreed with Mayor Jensen and advised he has no issue with rezoning to an office district, but his concern is if the residential development follows and then there is a flood that those affected properties are going to say they were flooded because of that office building going in. They all understand how it would help if the water is conveyed through the I-90 process, but if it does not go in conjunction with that residential development for the water issue to get resolved, he would vote to hold off on rezoning this property until there is a commitment from the developers that it would be an almost simultaneous process. Mr. Butkowski stated the developers can plan for their office space and take care of the residential but convey that water in a manner that is going to help out everyone in that section of the City.

3. [ORDINANCE NO. 53-19 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020](#) Mr. Logan

Mr. Logan advised this is what the County refers to as the Tax Budget and is due to the Budget Commission by July 19th. The first page of the exhibit attached to the Ordinance is the County’s worksheet and really the only required page the County needs at this time in addition to the authorization from Council. He said he put together some preliminary numbers and emailed out a highlight assumption sheet to Council with some basics listed. Mr. Logan stated they would fine tune the overall budget in the fall with a Finance Committee Meeting and will meet with all the Department Heads internally and lay the budget out in more detail at that time. He noted in this budget they predict the General Fund balance going up by approximately \$1.3 million and the revenues exceed expenses by about \$900,000. Mr. Logan reiterated this is the preliminary budget and if Council had any questions

or concerns or if they would like the detail of the expenses or the revenue schedules that are behind all of this to let him know and he would be happy to email them out.

4. ORDINANCE NO. 54-19 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY ARTHUR J. GALLAGHER & CO. Mr. Logan

Mr. Logan advised they have gone back and forth over the last few weeks with some very nice insurance proposals. On July 1st the City's property and liability insurance renews and the City has been with Houston Casualty since approximately 2010-2011. Houston Casualty was the City's carrier through the rather large claims we had back in 2010 and 2011 specifically with the light pole issue at the baseball stadium. He said over the last four or five years the City has had very good claims experience as our loss ratio is well under 35% for those five years and the last couple of years it was well below that percentage. Mr. Logan advised this is not so much a Houston Casualty and a Traveler's issue as it maybe is the agents that the City has been working with in this whole process. Going back many years the City has been with Custis Insurance writing the policy and they have done a very good job for the City, in part, with Houston Casualty being the carrier. Custis has had some organizational change and in the meantime Gallagher, a large nationwide broker with local offices, called the City and presented some nice proposals with Traveler's Insurance. He said it seemed like it became somewhat of a bidding war the last couple of weeks and they have gone through the policies the best they could, and they do not feel like there are any real deficiencies in either policy. Mr. Logan stated there are differences in terminology and some of the minutia of the policies, but they feel that overall the City is covered to a large extent. They have a \$9 million umbrella coverage that they are going to bump up to \$10 million and that has always been there from a liability perspective. The City has not had a major liability sort of claim and in fact the issues from years ago have since been resolved and the City has been released. He said he did not want to make it seem as if it is all about price as they feel they will get some very good service with Gallagher. Gallagher has some programs and some online webinar opportunities that were not available with Custis / Houston Casualty and those are a positive. Mr. Logan stated they are suggesting to Council to go with Traveler's Insurance for a one-year policy for \$175,931.00 total premium. They received 3-yr rate guarantee offers from both carriers, in the \$190,000 ranges, but they wanted to give Traveler's an opportunity for a year and work with Gallagher and see what they like and do not like before committing to a longer term. Around the first part of March in 2020, which is a good three months before renewal next year, they would like to market the City's coverage, possibly with an RFQ and see what happens. He said if Traveler's has served them well and Gallagher has served the City well then, he would assume they would be the front runner. Mr. Logan advised he is confident they are not going to go wrong by moving over to Gallagher and Traveler's.

Mr. Moore advised that Mr. Logan stated, in his email that the service was good with HCC and he is asking if Mr. Logan is now saying it may not be good. He said the email said the City had really good service and there was never any problems and service is unknown going with someone new. Mr. Moore asked how much service did they do.

Mr. Logan advised the claims that the City has had with HCC have been processed timely and efficiently. He said the City has not had a problem with that. Mr. Logan stated he could not speak to rather large claims as the last really large claim was the light pole claim which he and Mr. Gasior were both involved with to a large extent and it dragged on for quite a while, but the claims that were submitted over the last few years they have not had any real issue with HCC.

Mr. Moore noted \$175,000 on the quote and there was a 3-year listed underneath it for \$190,000 maintaining a 35% or better loss ratio. He asked if that was wrong. When looking at the Travelers column there was a 3-year rate guarantee for \$175,000.

Mr. Logan explained that was a footnote; the number 3 refers below where it says Travelers 3-year rate guarantee would be \$190,000. He said it is \$175,931 for 1-year.

Mr. Moore asked if he could get a copy of the actual proposal. He said he wanted to see the formal proposal and he wanted to see the declaration page, if possible. When it is said that there were no major variables he felt Traveler's was lower because they were taking out a few items and if that is the case they should go back to HCC and compare that where the City is paying higher is because the City has more coverage. He felt we should make sure that we are comparing apples to apples with what Gallagher is offering versus Custis.

Mr. Logan stated they have done that to some degree, but he would email them and ask. He suggested that if Council would like the formal proposal, which is 66 pages long he would be happy to provide it through email. Mr. Logan said he has the Houston Casualty finder and they have the entire binder of their current coverage that he would be happy to distribute through email if he is able since it is rather large.

Mr. Moore advised he just does not want to run into a situation where we are choosing cheaper, but our coverage is deficient. He felt we should be prudent in making sure that it is apples to apples because that deficiency they do not want find out in a claim.

Mr. Logan agreed and said he understands that Mr. Moore knows the insurance side of things very well and that it can get rather convoluted when reading through everything and that both sides can say they have this and that and the other does not.

Mr. Moore advised we are up against a time limit now and we want to be voting on this next week. He stated that he does not want it to be like the health insurance decision where we were scrambling last minute.

Mr. Logan disagreed as he felt the health insurance went much smoother. He said we had the Traveler's quote we had in early May and he would have liked to have had the Houston Casualty quote in early May but we did not get it until late May and that is not through anyone's fault at the City. He said he understands that we really need to decide and they can be safe and stick with HCC and pay the higher premium, but he truly believes we would not be lacking in any serious coverages with Traveler's. Mr. Logan advised when Mr. Moore said apples to apples, someone has to be a risk manager and really understand all the nuances within these policies.

Mr. Moore stated he would disagree with that statement a little bit. He said there are certain pages that you can go right to such as the declaration page. Mr. Moore asked Mr. Logan if he could provide the commission for the agents because if they are not providing that much service then it is his opinion that the City should not be paying 20% or higher from a commission standpoint.

Mr. Logan advised he did not know the exact commission offhand, but he does not believe it is 20%. He said he would ask and get that information back to Council.

Mr. Moore asked regarding the City buildings for the property insurance if the contents of the properties were on an agreed value or a co-insurance value.

Mr. Logan stated he did not know.

Mr. Moore advised the buildings and the contents on an agreed value is what the owner and insurance carrier agree it is worth. He said if they do a co-insurance value there could be a penalty if there is a claim and property values have increased and the value in the contents has increased. Mr. Moore stated it was his opinion that he would rather the City have an agreed value, so it is known.

Mr. Logan stated he does not believe he has ever heard the term co-insurance value used with Houston Casualty or that he saw it in the Traveler's policy, but he could find out to confirm.

Mr. Moore said it would be nice to know and he was not an expert, but it is his opinion that an agreed value would be better for the City, so we do not fall short and receive a penalty on a co-insurance claim.

Mr. Witherspoon reminded Council regarding the light pole situation that Houston Casualty did not protect the City.

Mr. Gasior advised with regards to the light pole situation that Houston Casualty paid for the light pole that fell, which is what they were supposed to pay for. The other seven poles that had to be taken down because they were defective, there is no commercial general liability policy that was going to pay for a defective piece of equipment; it is excluded. He stated the City sued the manufacturer for those seven poles. Mr. Gasior stated the bitterness Mr. Witherspoon is referring to is the fact that our insurance carrier said the pole fell and they would pay for it, but when the adjuster went out and looked at the other poles he determined that the other seven could fall and said they had to come down, but Houston Casualty was not going to pay for any of that, but he believes that is insurance law as they are not going to pay for a defective product as part of an insurance claim.

Mrs. Holtzmeier felt Mr. Moore raised some good questions and she too is curious about the commission the insurance companies receive as that is just good public policy. She stated when we have had other vendors before Council that bring other services in that is sometimes a question asked and it is good to have that information out there. Mrs. Holtzmeier asked Mr. Moore if he felt a week was enough time to get with Mr. Logan and resolve some of those outstanding questions.

Mr. Logan advised he would get Mr. Moore all the requested information.

Mr. Moore advised he just wanted to see the declaration page and the proposal as there is typically enough information in those documents to find the answers to his questions.

Mr. Gasior stated that any help Mr. Moore can provide on this topic would be greatly appreciated, but he and Mr. Logan have been doing this for quite a few years and he does not believe the City has had any issues with regard to any claims. He said there have been police issues, the al-Menhali case and the light poles but overall the chuckhole liability, our sidewalk liability, the typical things that the City has come across have all been covered extraordinarily well under all of the companies that the City has had. Going back many years, the City used to get quotes from one broker with three different companies. There has been a hybrid of carriers that fall under one broker's plan. Custis has been competitive over the years and probably between 2008 and 2013 there were not many quotes as it just was not competitive at that point in time. Mr. Gasior advised that the Finance Department does a very good job of vetting the policies. This year, unlike other years, Traveler's made a major push to get the City's business and they did so knowing full well that the City would be reluctant to leave Custis because there has been no reason to leave. The price quoted is an apples to apples quote, for the most part, and they want our business and they want it for many years to come and he does not believe they would be trying to shortchange the City to get us for only one year. He said they welcome the inspection of what has been happening up to this point, but the City has been served well by the companies that have represented the City and he thinks the attorneys that have been hired to represent us on some of these claims have done an excellent job. Mr. Gasior recommended they look at the proposal but reminded Council they have to act soon and he believes they are going to get a good policy. He said he and Mr. Logan are not insurance experts but next year, they may have to hire a risk manager on a part-time basis to inspect, analyze and advise the Council as to the best policy for the City. Mr. Gasior felt that is what is needed if they are going to delve into it to the extent that Mr. Moore can delve into it as a person in the insurance industry. He said as long as he has been with the City they have accepted insurance proposals without a risk manager and have not have any shortcomings and he does not expect that there will be any shortcomings with Traveler's Insurance based on what he knows.

Mr. McBride asked where Gallagher is based.

Mr. Logan believed they are based in Chicago, but there is an office in Independence that will service the City.

5. [ORDINANCE NO. 55-19 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH O.R. COLAN ASSOCIATES, LLC TO PERFORM PROFESSIONAL REAL ESTATE EASEMENT](#)

Mr. Cummins advised the Elizabeth, Puth, Joseph project is moving forward. Last year the City hired Bramhall Engineering to revise plans for the project. Those revisions substantially have been completed although there are a few items still outstanding that they are working through, but they have a very good set of plans at this point. He said twenty easement areas have been identified along the south side of Detroit Road that would be needed to install the sanitary sewer. The sanitary sewer along Detroit Road is being proposed to go on the south side in an easement area outside of the current right of way. At the same time, they began some efforts to install turn lanes along Detroit Road in that same section in areas where there are just two lanes between Middleton Road and Jaycox Road and two lanes between Jaycox Road and Nagel Road. It is being proposed to add a center turn lane there. There is a major utility pole line along the north side of Detroit Road so the amount that they can expand northward is limited to just a few feet. Most of the expansion would happen to the south. While they would not be putting any pavement/roadway areas in these easement areas, they do need spots for localized drainage and possibly moving the fire hydrants into and/or place sidewalks, etc. There is a natural synergy for these easements associated with Elizabeth, Puth and Joseph to be acquired as highway easements instead of sanitary sewer easements that would allow the sanitary sewer project to occur first and then later the addition of the turn lanes giving them some room to operate. Mr. Cummins stated they received quotes as they are looking for a firm to help to provide appraisals and with negotiations with those property owners to acquire those needed easement rights. He said they secured two quotes for that. O.R. Colan, in his opinion, is the best quote and the most cost effective doing the work as highway easements. Mr. Cummins advised they would like to keep moving forward with this project and get the real estate acquisition company hired and will hold public meetings with the residents and keep the project moving along.

Mr. McBride inquired if these are permanent easements.

Mr. Cummins confirmed they are permanent easements.

Mr. McBride said to make sure FirstEnergy did not offer to do it for \$40,000 less on the north side.

Mr. Cummins said is a substantial pole line and there are a lot of other carriers other than FirstEnergy located there and the reason they looked at both routes and chose to put the sanitary sewer on the southern route because there are less obstacles, but it will require some easement rights to do that.

Mr. McBride asked if there was a way to get ODOT to pay for them to relocate those poles.

Mr. Cummins said no, ODOT is not involved with the turn lanes in any way. He said ODOT will do the resurface of the current expanse of the pavement. Adding the turn lanes and moving the drainage and fire hydrants, etc. that are in the way to make that happen are all local costs.

Mr. Butkowski asked that because this is a highway easement and SR254 is a State Route if there was any benefit from the State to be able to provide assistance to the City because of this easement acquisition.

Mr. Cummins stated no, because ODOT would be quite satisfied with the roadway staying in its current width, but there is a good amount of traffic there and motorists making left turns. The gaps in traffic are less and less so those left turns become more and more dangerous and susceptible to rear end crashes or head on turning crashes as they try to navigate in the gaps. The safety aspect of adding that turn lane is a benefit to the City and ODOT will assist in repaving the current roadway, but ODOT will not participate in any widening.

Mayor Jensen advised this will be similar to the widening of Chester Road where the City will receive assistance with repaving and at the same time the City will add that third lane. He added that will probably be the road improvement for that year and it would cover from basically the Commons to Nagel Road on Detroit Road being repaved plus there will be the extra lane the City will install, and he felt there is a huge upside to doing it at the

same time. Mayor Jensen added if they applied for funding through ODOT they were most likely looking at five years out.

Mr. Cummins added that he had a recent conversation from a representative of NOACA about areas in town that have been identified as needing improvement and no portion of Detroit was on that list. He agreed it would be at least five years before Detroit Road would even be considered.

Mr. McBride asked if it would be a continuous left turn lane.

Mr. Cummins answered that is correct. He said at the intersections it transforms back into the existing, but it would be a continuous center turn lane in between those intersections.

Mr. McBride asked if those locations that have preferential on-street parking on Detroit Road would go away at some point as they were parking in the right of way.

Mr. Cummins advised they were currently just looking to expand in areas in between intersection turn lanes. He said they have not looked at treatment beyond that, closer to those intersections.

Mr. Fischer asked if there were any legal problems with widening that area on Detroit Road.

Mayor Jensen stated the City is allowed to do that, but that is the extent of what it can be widened.

6. [ORDINANCE NO. 56-19 – REAPPROPRIATIONS](#)

Mr. Logan

Mr. Logan explained the reappropriations as follows:

- Fire Department Fund No. 200 Increase appropriations \$10,000.00 for EMS Refunds as the original budget of \$4,000.00 has been exhausted.
 - This is a line item that is used when they are paid twice or someone paid the wrong amount through Great Lakes billing with the volume in that revenue line, the City was seeing more refunds as well.
- Every Child’s Playground Fund No. 484 Appropriate \$20,000.00 of the remaining fund balance for any additional structures or improvements to be made. Whatever fund balance remains at the end of 2019 will be transferred to the Capital Improvements Fund No. 401.
 - The fund balance is a little over \$22,000 right now and there are a few small expenses still going on with that project and they did not have any monies appropriated in that fund. This will allow them to spend what they need, but whatever remains at the end of the year they would like to transfer over to Fund No. 401.
- Total Re-appropriations all funds \$30,000.00

7. [ORDINANCE NO. 57-19 – AUTHORIZING THE EXECUTION OF AN AMENDED LOCAL PUBLIC AGENCY AGREEMENT TO IMPLEMENT AN EXPANDED TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE \(TLCI\) GRANT FOR THE DEVELOPMENT OF A CITYWIDE BICYCLE + MULTI-USE PATH MASTER PLAN](#)

Mr. Cummins

Mr. Cummins advised TLCI is the program of NOACA and the City received a grant to do a citywide bicycle path master plan. Another component of that plan is a Safe Routes to School plan from K through 8 Avon Schools. That work was authorized and began and once it was underway there was some discussions between Sheffield and Lorain County Metroparks and Avon got brought into that discussion. What was realized was that the connection points are very critical not only to Avon’s plan, but for the region. He said that Sheffield has some areas in the eastern part of its community that they would like to see done in such a way that they would connect up with Avon. It was decided that a good vehicle to study that and have it considered and put into a community-wide plan would be through Avon’s already-going planning effort. At the request of NOACA they came up with

an expanded scope of services and received a cost from our consultant to do those scope of services at \$20,000. Of that \$20,000 NOACA has agreed to pay \$15,000 and NOACA's Executive Board passed that authorization last Friday. Lorain County Metroparks decided to step in and pay the other \$5,000 of that \$20,000 as local share and Avon would agree to manage the process, which is already being done. Mr. Cummins stated this definitely helps the regional community to have better connectivity and more thoughtful interaction points and in order to make all of that official, the Avon contract with Envision, the planning firm for the Master Plan and the Safe Routes to Schools Plan, needs to be amended and that is the legislation before City Council tonight. He reiterated that zero Avon funds are required to make this happen.

Mr. Radcliffe asked since he was unable to attend the meeting that was held last Thursday about this plan, as to the general outcome.

Mr. Cummins advised they had a very good public meeting last Thursday at the Avon Isle. He said there were 15-20 people in attendance.

Ms. Fechter stated of the 20 people in attendance, 15 were residents and the other 5 were reporters or other.

Mr. Cummins stated they received some good input and he could definitely see that some people were excited about the possibilities. The public in attendance saw the current needs within the community in pedestrian and bicycle access and connectivity in general and they are excited about the possibilities and were there to really push the process forward.

Ms. Fechter advised they would see a lot of traveling boards throughout the community in the next several months. She said these groups were trying to get information from residents as to where they want to go in order to help determine where the connection points are going to be and to help the focus on those connection points.

Mr. Radcliffe asked for confirmation that there are a couple more public meetings to be held on this topic for residents to have input.

Mr. Cummins advised that is correct, there would be a total of four meetings throughout the process.

Mr. Moore asked if they had an idea as to the distance of the path.

Mr. Cummins stated it is undetermined as of yet. All he could say is that they are going to identify destination points within the community. Obviously, it is known where all the residential areas exist and where the businesses are located and where the points of interest are located and then come up with a plan to try and connect as many of those as possible in an effective and reasonable manner.

Mr. Radcliffe inquired if there was anything that goes along with these trail connectivity plans that include trees and such where they could use what they learn from best practices of trees and types that go along most trails that could benefit.

Mr. Cummins advised absolutely, if they are going to be constructing something, interaction with trees is likely going to be a part of that plan and how they do that and how they offset that and how you account for and plan around it as well. The saving of trees is a great thing, but it also comes with expenses, time, additional drainage and there is definitely a balance.

Mr. Radcliffe stated if there are things they could learn from heartier, stronger, different types of natural vegetation that could be beneficial along the plan, those options should be explored.

Mr. Cummins felt it would be very common as paths are constructed that buffering is probably going to be a consistent issue that comes along. Having some good input for trees or any type of plants that will thrive, be low maintenance and still look nice will all be very beneficial.

Mr. McBride asked as to the proposed path width. He said from experience, the width of the Emerald Necklace, is no longer wide enough from when it was built as just a bike path.

Ms. Fechter stated they have requests from each end of the spectrum noting there is a family of six who would like to walk side by side on SR83 as well as the sidewalks being too small. She said this group is doing the same thing as they are analyzing what would be the best width to have and whether it needs to be a sidewalk or a path.

Mr. Cummins believes there are going to be a lot of aspects about the results of this plan that are going to be incremental over time. He said that is just the realistic portion of the plan and the path width is certainly one of those aspects that while it might be nice to have something that is 10 or 12 feet wide, but as a first step it might be more reasonable to get something in place to improve connectivity. Mr. Cummins advised it depends on the circumstances and the location, but it would not surprise him if that is something that is a goal rather than a requirement.

Mr. McBride said personally, getting some installed and using a sidewalk is not a good option because as people use it, it will be heavily used and it will become an issue. He felt complaints would flow into this Council depending on where and how it connects. Mr. McBride advised Mr. Cummins has been involved with these kinds of projects before and he would leave it to his expertise.

Mr. Cummins encouraged all member of Council to attend the public meetings and provide input as he felt that would be very helpful.

8. [ORDINANCE NO. 58-19 – TO AWARD THE BID FOR THE CHESTER ROAD/AMERICAN WAY ROADWAY IMPROVEMENT PROJECT](#) Mr. Cummins

Mr. Cummins advised this is the rebid for the Chester Road project from SR83 over to American Way. With the rebid they received two bids; Liberta Construction Company was the apparent low bidder. KMU Trucking and Excavating was the other bidder with a difference of just a little bit over \$100,000 higher. He stated he has reviewed the bids and the references provided by the apparent low bidder and it would be his recommendation that the City move forward with awarding the construction contract to Liberta Construction Company out of Akron, Ohio. Mr. Cummins said he spoke with Liberta today and they expressed that they are ready, willing and able to move forward with the project in a timely manner.

9. [RESOLUTION NO. R-13-19 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT](#) Mr. Gasior
Third of Three Readings on Monday, June 24, 2019

10. [RESOLUTION NO. R-16-19 – TO ADVERTISE FOR BIDS FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY](#) Mr. Cummins

Mr. Cummins advised he has been working with the Fire Department, they were before City Council a few weeks ago getting approval for the installation of a fire training tower behind the current fire station. Now that the location is set, they have started looking at the best way to acquire and have that facility constructed and installed. The Fire Department had been working with one supplier and they do not want to do that in the bidding process. He said in talking with that supplier they were able to get some examples of a design build process that other communities have used and he believes that fits very well for this type of specialized installation. Mr. Cummins explained in the bid package they would require that they provide plans and get those plans approved by the Building Department, supply the facility and install it. Along the way, there would be checkpoints where plans would have to be supplied to the Fire Department and engineering to make certain they are producing what the Fire Department would like to see and that is how this legislation is set up. They will advertise for the design

build process and come back to City Council once that process is complete asking Council to award a construction contract.

Mr. McBride felt the Fire Department logo added on a couple sides of the facility should be considered now, so it was not an extra later on.

11. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE reminded Council that he would be absent next Monday, June 24th.

MRS. HOLTZMEIER, AT LARGE asked for clarification as to the date of the City fireworks. Mayor Jensen answered Wednesday, July 3rd.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 asked for an update on the new Veterans Memorial at the municipal complex near the pool.

Mayor Jensen stated the monuments are completed and they are working on scheduling the crane for installation. He hoped they would be set in place by either the end of this week or some time the next week. Mayor Jensen advised he would let Council know when the official dedication would be.

Mr. Radcliffe asked if there is a timetable for the repairs on Jaycox Road along the creek where it is collapsing.

Mayor Jensen thought they were starting to move equipment to the site.

Mr. Cummins advised he drove by there today and has not seen any progress as of yet. Initially, he was told that they would be starting work last week and he has not spoken with them since then and possibly the rains have played a major part.

Mayor Jensen advised he would have an update tomorrow.

MR. WITHERSPOON, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR absence excused.

MS. FECHTER, ECONOMIC DEVELOPMENT /PLANNING COORDINATOR advised there is a business publication called Ohio Business Magazine and in there they rank the best places to work in Ohio based on the number of employees; less than 50, 50-200 and over 200. Avon was recognized for Hunter International who is in the class of less than 50 employees with 17, but they were listed No. 15 of the best places to work. She sent them a nice note on behalf of the City telling them we were proud to see that in the publication.

Ms. Fechter yielded the floor to Mr. Bob Hill representing the Avon Lion's Club.

Mr. Hill advised the 31st Avon Annual Fishing Derby was held last Saturday. He said the weather was great and there were 163 excited participants and they caught 231 fish with one young man catching a 123" catfish. He said they handed out trophies for the biggest and littlest fish plus other prizes given out. Mr. Hill

thanked all those who helped to make the event possible noting that this was the last time for Mr. Witherspoon to serve as President of the Lions Club for this event and he had a major part in getting the event organized and he was one of the first to arrive to the event to get everything set up and was the last to leave when everything was cleaned up at the end of the event. He said that Mr. Witherspoon worked hard and did a good job along with the other Avon Lion's, but he wanted everyone to know that the City has a good Council President in Mr. Witherspoon as he does a good job for the City. Mr. Hill was thankful for all the support from the City, from the pond stocking by the Parks Department and the Crusher's loge donated as the grand prize for this contest. He said there was a good turnout for the Fishing Derby and everyone loved it. Plus, the Avon Paramedics were onsite and that was very nice for safety reasons and he was thankful there were no accidents. Mr. Hill thanked Mayor Jensen for attending each year and talking with the people thanking them for their participation in this contest and it has always been a lot of fun and everyone has a good time. Mr. Hill presented Mayor Jensen with his own trophy and he appreciates all the help the City has provided and they hoped to continue this event annually.

Mr. Witherspoon added that Mr. Hill was a major part of the help and organization of this event as well and he congratulated him as well. He said it is always great to see the kids come out and enjoy the event.

MR. GASIOR, LAW DIRECTOR advised the City has Planning Commission and they have the Board of Zoning Appeals. People file applications to be heard by these bodies. Once in a great while they find that the City has erred and asked someone to file an application and it was not necessary, so they want to issue a refund. He said those bodies do not have any authority to refund money once it has been collected. Only City Council can authorize a refund of money. He said he would like to add a motion on next week's agenda that will authorize a refund to a particular party that appeared before the Board of Zoning Appeals on a matter that probably should not have been brought before that Board, but he would explain next week.

Mr. Gasior stated secondly, he would be working on legislation that will authorize Planning Commission or BZA on these rare occasions, to issue a refund to an applicant who should not have had to come in before the body. He said he would probably insert in the legislation that the refund would be granted once the Mayor and the Finance Director approve such a transaction so there would be a check on that body issuing the refund. Mr. Gasior stated that way, they would not need to have a separate motion by City Council for such action. He said with the recent incident it was felt that the only fair way to deal with it would be to refund the family their \$100 for the requested variance as there were a lot of extenuating circumstances and that motion would be in front of Council next week on the agenda for a quick vote by motion. After summer break, he would bring legislation to give these bodies that authorization.

MR. LOGAN, FINANCE DIRECTOR advised he would like to have a Finance Committee Meeting on July 1st to discuss the water and sewer rates at 6:30 p.m. that evening. He reviewed the rates last week with the Mayor, the Superintendent of Utilities and the Assistant Superintendent of Utilities and he would be sending that out to Council.

AUDIENCE:

There were no comments from the audience members.

12. ADJOURN: 8:59 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