

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD TUESDAY, JULY 6, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 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; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: 1st Ward – Bob Butkowski; 2nd Ward - Dennis McBride

1. **ORDINANCE NO. 50-21 – AMENDING ORDINANCE NO. 48-19 WHICH ADOPTED THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON**

Planning Referral

Second of Three Readings of Ordinance No. 50-21 will be held on Monday, July 12, 2021
A Public Hearing will be held on Monday, August 9, 2021, at 7:15 p.m.

Ms. Fechter advised she did not have any additional comments.

2. **ORDINANCE NO. 51-21 – TO AMEND SECTION 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS**

Planning Referral

Second of Three Readings of Ordinance No. 51-21 will be held on Monday, July 12, 2021
A Public Hearing will be held on Monday, August 9, 2021, at 7:20 p.m.

Ms. Fechter advised she is working with Mr. Gasior on the violation section of the Code. She said currently our Code has a set of violations that ranges from a fine of \$25 to \$500 and they would like to button that up a little bit and bring in new legislation next Monday with that addition referenced. Ms. Fechter stated the size of the storage condos they were looking at is between 900 and 1200 square feet.

Mr. Gasior advised the penalty for any Planning and Zoning Code violation is located in 1238.09 and it was somewhat unusual because the criminal code typically defines misdemeanors by first, second, third, fourth degree and there is always a corresponding fine and jail time with each increasing degree. He said for instance, a minor misdemeanor is \$150 fine and no jail time; a fourth-degree misdemeanor is up to a \$250 fine and up to 30 days in jail and it continues until you get to the first-degree misdemeanor which can be a fine of \$1,000, but the jail time is zero to six months. Mr. Gasior stated Avon’s Code is a little different and was written awhile back and it has been left the way it is. He said as Ms. Fechter pointed out, it calls for a fine of \$25 to \$500 and it has a jail term listed of up to 60 days. Mr. Gasior advised the current penalty section does not really fit into the standard misdemeanor sentencing guideline, but it is valid, and the court would look at our sentencing code provision and the judge would make the decision if there is a finding of guilt or no contest based on what is in Avon’s Code. He said the judge could fine someone \$25 or he could fine someone \$500 and so on. Mr. Gasior stated the Code does call for a penalty and it is the same one for any violation of the Planning and Zoning Code, but he wanted to point out that it is a little untraditional because it was written a while ago and it has not been updated.

Mr. Witherspoon advised Council was assured there would be no businesses allowed to operate out of these storage condominiums; however, upon reading the Ordinance there was nothing stating it was prohibited. He indicated that concerns him and he is afraid that businesses will pop up in these storage condos.

Mr. Witherspoon said secondly, the Ordinance prohibits the storage of flammable materials in these condos, which he felt was good but if people are parking their 50' yacht in the facility, there would be a large amount of gasoline in the storage unit and people were not going to drain the gasoline before storing it. He advised Beaver Park Marina in Lorain had a similar situation years ago when one of the boats caught on fire and it devastated the boating community located there. Mr. Witherspoon stated safety is a concern of his and he asked if that has been addressed.

Mr. Gasior suggested they add language to clarify that there should be no improper storage of flammable material because he believes that gasoline tanks have fire ratings and are safe. He advised if someone were to store a flammable material in a milk carton or in an all-purpose bucket then it obviously would be a violation. Mr. Gasior said if they have to tighten up the language then they could do that by saying improper storage of flammable liquids would be prohibited. He stated when the Fire Marshal inspects the unit and notices gasoline in an open container where the fumes could generate out then that owner could be cited.

Ms. Fechter advised the Avon Fire Department has been involved in these conversations and will be given access to inspect these units. She said they have in bold print, "no activities such as the sale, repair, fabrication, or servicing of goods...shall be conducted from the unit" and they could point blank say no businesses to be operated out of this unit.

Mr. Witherspoon indicated that would be a great thing to do in his opinion to clarify that no businesses can operate out of these units.

Mr. Gasior advised they will come up with a definition if need be. He said they can say no retail business operation.

Ms. Fechter advised the hard part is that some companies such as a pharmaceutical representative might use a storage unit for storage of these items and pick up items each day for that day's route of delivery. She said the items would not be sold directly out of the unit.

Mr. Witherspoon advised he understood, and his comments were suggestions to consider.

No further discussion.

3. [ORDINANCE NO. 53-21 – APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN](#) Planning Referral

Second of Three Readings of Ordinance No. 53-21 will be held on Monday, July 12, 2021

A Public Hearing will be held on Monday, August 9, 2021, at 7:25 p.m.

Ms. Fechter advised she did not have any additional comments.

4. [ORDINANCE NO. 55-21 – TO PROVIDE FOR THE ISSUANCE AND SALE OF MUNICIPAL RECREATION FACILITY NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \\$6,200,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING MUNICIPAL RECREATION FACILITIES](#) Mr. Logan

Second of Three Readings of Ordinance No. 55-21 will be held on Monday, July 12, 2021

Mr. Radcliffe advised it was previously mentioned that there might be a chance of increasing the amount the City would be paying down this debt and he asked if there was a more firm amount yet.

Mr. Logan advised as soon as the City receives its second half TIF distribution he would know more. He said that distribution is normally received around the middle of August. Mr. Logan stated they will sell these notes that third week of August and by that time they will know and if the TIF distribution comes in like they expect

5. [ORDINANCE NO. 56-21](#) – EXTENDING THE TEMPORARY MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON Mr. Gasior
To be Addressed at the Special Meeting Immediately Following this Work Session

Mr. Gasior advised the moratorium was passed back in early January 2021 when a situation in the Camelot Subdivision arose where a residential property was being utilized as a short-term rental. He said the owner of the property was believed to be residing in California and the concern was obvious that the owner was going to utilize this property permanently as a short-term rental. Mr. Gasior stated Council passed an Ordinance at that time to place a moratorium on short-term residential rental. He pointed out that short-term residential rentals are already prohibited under Avon's Code currently. Mr. Gasior advised Mrs. Holtzmeier asked him why the need for a moratorium if it is already prohibited. He said they are putting the moratorium on and continuing it so that they can amend the Code and make it absolutely certain that it is prohibited by specifically listing it in the schedule of uses in 1262.03 and 1264.03 and then putting the blank space which indicates the use is prohibited. Mr. Gasior stated right now they rely on 1262.02 and 1264.02 and there it states that if the listing in 1262.03 and 1264.03 does not specifically list the use then the use is prohibited. He advised they are going to ask for amendment in the Code and then they are going to list it as a prohibited use. Mr. Gasior said if Council passes this moratorium for another 90 days there will be another opportunity. He stated he is going to try to bring a proposed ordinance to Planning Commission in August that will specifically show short-term rental as prohibited in the schedule of residential uses because this was not about commercial or office or the like, but residential only. Mr. Gasior advised if anyone on Council has ideas about where they may want to allow it, Planning Commission can entertain anything, but the approach that the Administration is going to take is to recommend amending the Code to identify short term rentals specifically in R-1, R-2 and R-3 districts as prohibited. He said tonight Council will not be able to act on the extension of the moratorium until July 12th because tonight two Council Members are absent, but the use is already prohibited as he stated earlier.

6. [RESOLUTION NO. R-19-21](#) – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON POLICE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(J) Mr. Logan
To be Addressed at the Special Meeting Immediately Following this Work Session

Mr. Logan advised this is the second step in placing these levies on the ballot for renewal. He said the City received the valuations from the County last week. He said this is a renewal of the Police Equipment levy and it currently is at about .41 mills and collects just under \$400,000 a year. Mr. Logan stated the average property owner is paying \$14.40 per \$100,000 valuation toward that levy. He advised the City feels it is a necessary renewal to keep the equipment and vehicles up to par and moving along. Mr. Logan said it is not an increase in taxes.

7. [RESOLUTION NO. R-20-21](#) – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING ONE-HALF (.5) MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING BUILDINGS AND EQUIPMENT USED DIRECTLY IN THE OPERATION OF THE AVON FIRE DEPARTMENT AND FOR OTHER PURPOSES SET FORTH IN OHIO REVISED CODE SECTION 5705.19(I) Mr. Logan
To be Addressed at the Special Meeting Immediately Following this Work Session

Mr. Logan advised this is similarly another renewal and these are both five-year renewals. He said the year 2022 is the last collection year for the current levies in place for the police and fire. Mr. Logan stated if passed at the ballot, these levies will first start being collected in 2023 and being renewal levies the taxes will not increase. He advised the fire levy has an effective millage of approximately .44 and collects about \$425,000 a year and it is about \$15.40 per \$100,000 of valuation for the property owners here in Avon. Mr. Logan said they would like to see both of these levies get passed by the voters of Avon come November.

Mr. Fischer asked as to the deadline to get these placed on the ballot.

Mr. Logan advised August 4, 2021 is the deadline for it to be submitted to the Lorain County Board of Elections.

8. RESOLUTION NO. R-21-21 – DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2021 SIDEWALK PROGRAM Mr. Gasior
To be Addressed at the Special Meeting Immediately Following this Work Session

Mr. Gasior advised this is the 2021 sidewalk program and section one of the Resolution lists six areas to be improved. He said typically copies of the Resolution are sent out to property owners after Council passes it along with a letter stating it was time to put the sidewalk in at their property.

Mr. Cummins said he believes that to be the case.

Mr. Gasior stated a letter will go out notifying the property owner that it is time to install their sidewalk and as the Resolution states the property owners have until October 1, 2021 to get the sidewalk in and if they fail to install the sidewalk by that time then the City will be contacting them and at that point the City could install the sidewalk and accept an assessment. He said it is estimated at this time the cost per square foot is either \$8.50 or \$9.50 subject to change depending upon the market. Mr. Gasior advised the bottom line is that people will have roughly three months after this Resolution passes to install the sidewalks on their own and if not the City will install it for them and assess the cost.

Mrs. Holtzmeier advised she is happy to see the sidewalk program going forward. She asked since this is the first sidewalk program since Council passed an Ordinance last year making the minimum width of a new sidewalk be 5 foot versus the previous 4 foot wide, how will residents will get that clarity as to what size of sidewalk they need to install on their property especially when it abuts a smaller width of existing sidewalk.

Mr. Cummins advised there are plans that are prepared that will get distributed to those residents during the process and the City will make that determination when putting those plans together. He said if they abut a smaller width of sidewalk they will show 4 foot wide and if it is a new area then they will be required to install sidewalks at five feet.

Mr. Gasior explained the cost for the 4 inch depth was for a sidewalk alone and the 6 inch depth was for when it is in front of the driveway in answer to a question from Mrs. Holtzmeier.

Mr. Cummins added that in the past, the cost has been given as a per linear foot cost when all the sidewalks were 4 feet wide, but in light of the potential for a variety of widths, the cost is broken down in a per square foot cost.

Mrs. Holtzmeier thanked them for the clarification and advised just so the residents know what is expected.

Mayor Jensen advised just two years ago the cost was only \$5 per square foot and the increase is due to what is going on now with the economy and inflation. He said next year they may want to discuss a way to make it simpler for the residents but also for Council to approve the installation of sidewalks. Costs continue to go up and it becomes more difficult for people to get the sidewalks put in. He felt there is going to be a greater hardship on people than those in a new development where the sidewalks are incorporated into the price of the house.

9. REPORTS AND COMMENTS

MAYOR JENSEN advised they had a good weekend in the City of Avon and he was proud of his staff and everyone who put the Bike Parade together and also the fireworks display. He said the City Safety Director Streater was there during all those events, which was great to see. He said as well as the Recreation Coordinator, Clare Harasimchuk, who was part of the Bike Parade and helped in putting that all together. Mayor Jensen stated that staff and the Avon Police were present for the fireworks. He advised everyone came together and both

events were without incident. Mayor Jensen thanked everyone who was a part of putting those events together and helping the City look good and getting people back together for a more like normal Fourth of July holiday weekend.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 was absent.

MRS. HOLTZMEIER, AT LARGE advised she wanted to give special mention to the City Staff for their perseverance and their help on the Bike Parade. She said they are really the unsung folks that make this event happen. Mrs. Holtzmeier mentioned Clare Harasimchuk and the entire Recreation Department and the Avon Pool employees for pulling together making this event flawless. She mentioned Duane Streater, Larry Fischbach and Norman Elias from the Safety Forces as they were on duty all morning and helped keep it a safe event. Mrs. Holtzmeier said when there is a big event like this, the Administration and the Safety Forces still keep everyone in the ready over a holiday weekend. She stated that from Pam Fechter's team, Sheri Seroka was instrumental in reaching out to our local businesses to see who needed that extra boost. Mrs. Holtzmeier advised they are lucky that in Avon there are businesses that really love our community and our residents and they were happy to be involved and that was a win-win and a good boost for their business as well. She said the Police Department Chaplain, Pastor Jeffrey Phail of Christian Heritage Church, had a large group of volunteers from his church and they were seen in all facets of this event. Mrs. Holtzmeier added that they had beautiful weather for the event and she felt the residents really wanted something to do post-Covid and they really turned out. She advised there were all ages and groups present and everyone had a great time and that is really thanks to those who work here at the City. Mrs. Holtzmeier stated she is thankful for that and the residents are appreciative. She said that six years ago she had a conversation with Mayor Jensen presenting the idea of a Bike Parade on July 4th to him and he embraced it and he said, "Let's do it!" and he has been very supportive from the top down and encouraging everyone in the Administration and in the City to be supportive for this event and she thanked him and said she appreciates it.

MR. MCBRIDE, WARD 2 was absent.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 advised he was in attendance at the Bike Parade and it was a great event put on by Mrs. Holtzmeier and the crews of the City and it really is well received by the residents.

MR. WITHERSPOON, AT LARGE advised Mrs. Holtzmeier did a great job with the Bike Parade. He said it was a wonderful event and there was perfect weather that day and he saw nothing but smiles and the kids and adults alike had a great time. Mr. Witherspoon stated he knows how difficult it is to plan and host an event like this and she did fantastic and he thanked her. He advised this event will now be earmarked as one of the biggest to date.

Mrs. Holtzmeier agreed it was the largest attended Bike Parade so far. She advised they had a couple people counting the attendance and the count was upwards of 520 people.

MR. FISCHER, AT LARGE had no comments.

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 comments.

MR. LOGAN, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE: There were no comments from the audience.

9a. EXECUTIVE SESSION: 8:02 p.m.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase/Sale of Real Estate, and the vote was: Mrs. Holtzmeier, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Fischer, "yes".

The vote was 5 for and 0 against and the Chairman declared the motion passed.

9b. RECONVENE: 8:33 p.m.

A motion was made by Mr. Moore and seconded by Mrs. Holtzmeier to Reconvene the Work Session of Council, and the vote was: Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mrs. Holtzmeier, "yes"; Mr. Fischer, "yes".

The vote was 5 for and 0 against and the Chairman declared the motion passed.

10. ADJOURN: 8:34 p.m.

There being no further business, the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____
Brian Fischer, Council President

ATTEST: _____
Barbara Brooks, Clerk of Council