

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

PRESENT: Council Members: Council-at-Large – Brian Fischer; 1st Ward – Bob Butkowski; 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; Safety Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: Service Director – Mike Farmer

1. DISCUSSION OF A REQUEST FOR A TREX TRANSFER FOR A LIQUOR LICENSE FOR FINAL FORE, LLC (X-GOLF AVON) TO BE LOCATED AT 35948 DETROIT ROAD Mr. Gasior/Mr. Minke

Mr. Gasior advised today he heard from Jacob Evans, an attorney that represents Doug Minke, and they were able to obtain a local license and so there will not be any need for a TREX transfer and the reason the applicants are not here tonight to make their presentation.

2. ORDINANCE NO. 62-21 – AMENDING “SCHEDULE 1294.08(a)” OF THE CODIFIED ORDINANCES OF THE CITY REGARDING REQUIREMENTS FOR FENCES AND WALLS Planning Referral
Second of Three Readings of Ordinance No. 62-21 will be held on Monday, September 13, 2021
A Public Hearing will be held on Monday, September 27, 2021, at 7:25 p.m.

Ms. Fechter advised there are no changes from the last meeting that this is a housekeeping issue to be consistent throughout the Code. She said fencing in some areas is allowed to be 4 feet high with a 70% opacity and they are asking that the Code be the same for any fencing that is within the required setback adjacent to the street as currently the Code reads 3 feet high with 50% opacity for some areas. Ms. Fechter stated they are requesting that both areas state 4 feet high with 70% opacity.

3. ORDINANCE NO. 65-21 – REAPPROPRIATIONS Mr. Logan

Mr. Logan explained the reappropriations as follows:

General Fund No. 101

Increase appropriations \$40,000.00 for Traffic Signalization Supplies and other expenses within this department. We have exceeded the original budget due to damage caused by third parties to various traffic equipment (control boxes, cross walk signs, etc.) located throughout the City. While we have been reimbursed for the majority of these expenses, we did not plan for as much that has occurred this year.

Total General Fund Re-appropriations \$40,000.00

Special Revenue Funds

Recreation Fund No. 249

Increase appropriations \$4,000.00 for Special Events as the budget for 2021 has been exhausted, as a result of added movie nights and the upcoming Safety Fair.

Park Development Fund No. 251

Increase appropriations \$2,000.00 for refunds as the budget for 2021 has been exhausted.

Avon Aquatic Facility Fund No. 255

Increase appropriations \$34,700.00 for part-time wages as the budget for 2021 will not be enough to cover the

remaining anticipated expenses. This is a result of the average hourly wage for 2021 being \$12.90 compared to \$11.25 in 2019 and \$10.90 in 2018. It was noted there was no 2020 comparison as the pool was not opened that year.

Mr. Logan advised he looked at the average hourly wages, week by week for the employees at the aquatic facility and he feels it was necessary to pay that higher wage this year otherwise the City would have likely been in the same circumstance as a lot of other small businesses who could not keep employees. He noted some of these businesses are closing or at a minimum cutting operating hours, so it makes sense to him that the wage was higher.

Total Special Revenue Fund Re-appropriations	\$40,700.00
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Debt Service Funds

Tax Increment Financing Fund No. 305

Increase appropriations \$25,737.82 for Auditor and Treasurer Fees and increase appropriations \$395,314.90 for payments to the Avon Schools as the budget for 2021 has been exhausted. This is a result of TIF revenues for 2021 exceeding the budget by \$826,176.00, or 9% above the budget.

Total Debt Service Fund Re-appropriations	\$421,052.72
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Agency Funds

Lorain Public Library Fund No. 702

Increase appropriations \$2,255.50 for Auditor and Treasurer Fees and increase appropriations \$39,002.69 for payments to the Lorain Public Library as the budget for 2021 has been exhausted. This is a result of their property tax revenue exceeding the budget.

Total Agency Fund Re-appropriations	\$41,258.19
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Total All Funds Re-appropriations	\$543,010.91
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Mr. McBride inquired regarding the damage to traffic signal equipment if the City went after those offenders who have not reimbursed the City for the damage they have caused.

Mr. Logan advised absolutely. He said they go through the City's insurance company to receive funds from the offender's insurance company. Mr. Logan stated in the case of an uninsured driver, it was a little tough and the City has not sued them, but the City's insurance company, Traveler's, sends the claim out to a third party, like a collection agency who is going after them.

Mr. McBride advised it would be nice to have a judgment and their assets could be seized later. He indicated he has no patience for people who drive without insurance.

Mr. Logan indicated they could follow through with that.

Mr. McBride inquired regarding the Agency Funds for the Lorain Public Library since the City is transferring this property over to the library if the City will have this issue next year.

Mr. Logan said that the issue of collecting the property tax for the Avon Branch of the Lorain Public Library and then distributing it to them will continue. He explained that this is not the City's choice; the Ohio Revised Code calls for the municipality where the library is located to collect and distribute that property tax. Mr. Logan noted that the City is passing through to the library exactly what is received from the County Auditor's office.

Mayor Jensen advised regarding the pool that he went there yesterday on its last official day for the season and everyone was pleased and was sad to see it close for the season. He said some of the staff there let him know that Westlake did not have their municipal pool open this past weekend because they did not have enough staff

to operate their pool. Mayor Jensen stated Avon pays slightly more than what the average is for pool employees, but the employees were happy to be working for the City of Avon and he felt that it is a fair wage, and it was a very successful year in terms of keeping staff and keeping the pool open.

4. ORDINANCE NO. 66-21 - GRANTING A SPECIAL USE PERMIT TO CITY CENTRE OF AVON, LLC TO ALLOW FOR THE ELIMINATION OF TWO PARKING SPACES TO EXTEND THE OUTDOOR PATIO SEATING AREA INTO THE PARKING LOT FOR THEIR TENANT, GATOR ICE CREAM, LLC, (dba HANDEL'S ICE CREAM) AT 35925 DETROIT ROAD Planning Referral

Ms. Fechter advised Handel's Ice Cream came into Planning Commission this past month. She said they are in the former Menchie's at City Centre next door to Chipotle. Ms. Fechter stated they are asking to take away two parking spaces in front of the establishment and put bollards around them and have that area be used for outdoor seating. She advised this was a negative recommendation from the Planning Commission, but there is a representative present tonight from Gator Ice Cream, Kevin Dill, who would like to speak to this request.

Kevin Dill of 4314 Fountain Valley Court, Canfield, Ohio advised he is present to request seating. He said Chipotle next door does have some outside seating in front of their business, which some of the patrons for Handel's Ice Cream are utilizing, but it is not enough. Mr. Dill stated the landlord has agreed to allow it, but he indicated it needed a referral from Planning Commission and subsequently City Council approval. He advised they plan to have bollards all around at three feet distances. Mr. Dill felt this would provide more safety for the patrons that would be eating outside rather than putting them up on a curb and taking away the landscaping that is already in place. He explained they wanted to have some area where it is fun for people to sit and eat their ice cream instead of in their car and for it also to be safe for them to be there. Mr. Dill pointed on the drawings that one bollard is shown to be three feet apart as well as the depth of the bollards, which would be four feet into the ground and five feet above the ground. He added that they would be concrete bollards keeping people safe inside. Mr. Dill understood that traffic is going in and out of that area but felt they would be able to keep their patrons safe.

Mr. McBride asked if they intend on raising the elevation of the proposed seating area to which Mr. Dill replied they are not. Mr. McBride advised that was the cheap way out and there is not enough parking in that section of the plaza as it is and there is a lot of traffic going in and out of that area and he is not in favor of this proposal and felt this is a bad design. He advised Menchie's never seemed to have a problem. Mr. McBride added that the sidewalk is not very wide in that section.

Mr. Dill advised Handel's patrons are using the outdoor seating in front of Chipotle and while the outdoor seating does not belong directly to Chipotle it has been treated as such for quite some time.

Mr. McBride suggested that Mr. Dill could supplement the seating with additional tables and chairs and then police it. He said regarding this request that it would not be done right, and it is a bad location.

Mr. Dill advised Deville Developments went with the bollards proposal because they were not too keen on losing those parking spaces permanently.

Mr. McBride advised with that many bollards on the parking lot and with the current elevation it was going not going to look good.

Mr. Butkowski inquired as to how many seats they were looking to add by taking those two parking spaces.

Mr. Dill said he believes they planned to do four picnic tables that seat four people at each table.

Mr. Butkowski asked if they consulted with the landlord. He said in front of Chipotle he could see where the sidewalk juts out and there is an area over there where Handel's could potentially put seats on that sidewalk area itself.

Mr. Dill clarified that Chipotle has been great and he said he could look into that scenario.

Mr. Butkowski advised his concern is the precedent that this sets. He said not only is Handel's Ice Cream located there, but Chipotle is, and Fresh Planet is on the side. Mr. Butkowski stated Starbucks is within that same area and the cars in line for the drive-thru alone often extends into the roadway for the entrance into that shopping area. He advised as Mr. McBride commented, parking is already limited, and this would take two spots away and then the precedent it sets that someone else could come in and say we gave it to Handel's Ice Cream and they now want more area. Mr. Butkowski said he understands the ask, but he does not know if that is the right location and he offered potentially adding more tables in the corner sidewalk area for people to share with Chipotle.

Mrs. Holtzmeier welcomed Handel's Ice Cream to Avon and said their ice cream is very tasty and her family has been enjoying it. She inquired if there is a public restroom available for patrons

Mr. Dill said they would have to go through the swing door.

Mr. McBride interjected that the answer is no, they do not have a public restroom, which is typical of those types of retail spaces.

Mrs. Holtzmeier asked how many seats inside the establishment were available for patrons.

Mr. Dill answered zero.

Mrs. Holtzmeier inquired as to why.

Mr. Dill advised there was not enough room to put seating inside.

Mrs. Holtzmeier asked Mr. Dill if he was aware that Menchie's had inside seating, and someone could even hold a birthday party inside.

Mr. Dill said their coolers take up way too much space in that 1800 sf.

Ms. Fechter added they also added a door. She said now there is an entrance and an exit as opposed to the same door being used for both.

Mr. Dill said it was a cluster when the door was being used for both in and out.

Mrs. Holtzmeier said they can only compare to the previous tenant and Menchie's also had high top tables right outside on the sidewalk.

Mr. Dill advised they have ordered benches, but they do not know if that is going to be enough space and the reason for this request. He said with the 4 picnic tables, each seating 4 people, and the 3 benches, which will likely seat 9 people total, that is enough seating for 25 people.

Mrs. Holtzmeier advised taking away parking spaces in this area is not something that she would support. She said while this business is still new to the area, and they still have customers trying their experience she felt it may be a better idea to start with some high-top tables just outside the facility to allow their patrons to sit outside to have a middle ground solution. Mrs. Holtzmeier stated those areas are a premium as the parking spaces have been filled whenever her family decides to visit this establishment.

Mr. McBride inquired if the picnic tables and benches were wooden or metal to which Mr. Dill answered they are metal. He asked Mr. Dill if he has talked to City Centre about taking two spaces closer to the corner by Chipotle as he felt that would provide a lot more usable square footage. Mr. McBride added the other side has more

parking and it was rarely completely full, and he felt it would be a lot safer to take away 2 parking spaces on the other side.

Ms. Fechter explained to Mr. Dill that this is a Work Session of Council where the proposals are heard and discussed, but the voting does not take place until next Monday night at Council's Regular Meeting.

Mr. Radcliffe advised one of the concerns was the loss of parking spaces, but also not bringing that area up to the proper elevation and he encouraged Mr. Dill to work with the plaza owner. He said with some creative use of that landscape block already in front of Handel's that takes up about the parking spots already. Mr. Radcliffe stated maybe working at concreting in the block of five spaces that are to the east and possibly having some sideways parking so as not to have people pulling in where other people are sitting and with a decorative fencing around it that could help. He advised he hopes they figure out a way to make it work as in general they would all like to see people enjoying the ice cream outside. Mr. Radcliffe said certainly the benches in pre-Covid times would be more likely to have people sitting closer together, but he understands there needs to be more spacing right now. He stated it might be time for City Centre to re-evaluate all the eating establishments in that plaza and how it could suit all of them best and the City would like to see them succeed.

Mr. McBride advised his comment is directed to the Planning Coordinator and the Mayor as he felt the whole City Centre traffic is a mess with the way that parking lot is broken up and the traffic flows. He added that Starbucks is a problem as many weekends and early weekday mornings, motorists cannot get through. Mr. McBride said he has seen tractor trailers sit because all the vehicles backed up for Starbucks and whoever the site engineer was did not do a good job or was overwhelmed by the success of Avon. He stated that no matter how many times a developer is told to plan for more, they want to do it their way and that does not usually work. Mr. McBride advised he does not know if the Administration wants to reach out to City Centre and strongly suggest they do some improvements over there. He said none of that is Mr. Dill's issue and he understands where Mr. Dill is coming from, but he agreed it is cluster over there. Mr. McBride advised he believes that they are amenable to do something, but that location is not a good place.

Mr. Fischer advised the City of Avon is happy to have this business here and everyone is loving their ice cream. He said this is an unreasonable request with the way that plaza is developed at that location. Mr. Fischer stated he agreed with Councilman Radcliffe that maybe there could be a little more creative design planning. He advised they have all been to that area before and it is a very narrow place to park, and he agrees with Councilman Butkowski that if they open that door and allow this request then everyone will want the same consideration. Mr. Fischer said he does not see this request getting approved next week, but he appreciates them asking and he reiterated that everyone loves having Handel's Ice Cream in Avon.

Mr. Dill advised he understood, and he thanked Council for their time.

5. [ORDINANCE NO. 67-21 – AMENDING SECTIONS 210.01\(f\)\(1\)\(A\), 1226.01, 1226.02, 1226.07 AND 1262.08 OF THE CODIFIED ORDINANCES OF THE CITY REGARDING ZONING PERMIT FEES](#)

Planning Referral

First of Three Readings of Ordinance No. 67-21 will be held on Monday, September 13, 2021

A Public Hearing will be held on Tuesday, October 12, 2021, at 7:25 p.m.

Ms. Fechter deferred to Mr. Gasior.

Mr. Gasior advised this is a simple, straightforward attempt to require a zoning permit for home occupation. He said that change required several sections of the Code to be amended to address that issue. Mr. Gasior stated he believes he still needs to add a section to Ordinance that gives those who are currently operating a home occupation time to obtain their permit.

Mr. Radcliffe interjected that the discussion was six months at the Planning Commission meeting.

Mr. Gasior advised he knew it was discussed at the Planning Commission meeting and he still needs to insert that language so there will be one small revision coming. He said anyone operating an existing home occupation

at the time Council passes this Ordinance will have 180 days to get their permit. Mr. Gasior stated something will most likely get posted online, but that is the only change from what Council has in front of them.

Mr. Fischer advised he and Mr. Gasior discussed a \$15 permit fee.

Mr. Gasior confirmed that and said it is the same fee that is currently paid for any zoning permit in Avon.

Mr. Butkowski said he missed in the Ordinance where it says what happens if you do not comply and do not obtain a home occupation permit.

Mr. Gasior explained that would be a violation of the Planning and Zoning Code and that refers to Chapter 1238, which contains the penalties/violation of the Code. He said failure to obtain a permit would be a violation of one of the provisions in Chapter 1238.

6. [ORDINANCE NO. 68-21 – AUTHORIZING THE MAYOR TO ENTER INTO A LEASE EXTENSION WITH THE UNITED STATES POSTAL SERVICE FOR APPROXIMATELY 6,520 SQUARE FEET OF SPACE LOCATED AT 36295 DETROIT ROAD](#) Mr. Gasior

Mr. Gasior advised this was discussed in Executive Session about the extension of the lease with the Post Office. He said there were some issues regarding not necessarily the amount of money the Post Office was willing to pay, but there was a commission being tacked on for this real estate firm out of Chicago. Mr. Gasior stated he went back to the real estate firm, and they agreed to go from a \$22,000 commission to a flat \$3,000 and he believes that was mentioned to Council and he knows some on Council were upset so he went back and asked them to pay approximately \$150,000 annually for 5 years instead of \$149,000 and the City will pay the \$3,000 fee. He advised the result is that the City comes out \$2,000 ahead and that was agreed upon and what is in front of Council to be voted on next week. Mr. Gasior said to retain an appraiser would have cost about \$4,500 and the appraisal would have had to probably come in at over \$165,000 to justify the \$22,000 commission. He stated once it was agreed to reduce the commission it was a no-brainer and then the extra was added.

Mr. Logan reminded Council the current lease goes through October 2023, so this new five-year extension takes it to October 2028 at the new annual rental amount of \$1 less than \$150,000.

Mr. Gasior advised Mr. McBride's words to him at the meeting were that the City should not have to pay anything and that is when he went back to negotiations and the City is paying them \$3,000 commission but is getting \$5,000 more over the term of the lease.

Mr. Fischer said at the end of the day, the taxpayers want to know that they came out ahead and they are.

7. [ORDINANCE NO. 69-21 - TO ACCEPT DEDICATION OF PUBLIC RIGHT-OF-WAY AND PERMANENT UTILITY EASEMENTS ALONG CHESTER ROAD AND WITHIN THE CONCORD VILLAGE DEVELOPMENT](#) Mr. Cummins

Mr. Cummins advised the Concord Village Development is moving toward completion. He said they came before Council previously to do a partial acceptance of sewer lines and water lines within the development. Mr. Cummins stated there is a second piece of that where they will still need to come back for approval for the last sections of sewer and water lines. He advised what they are talking about with this Ordinance is also part of the development that was agreed upon before it began which was dedication of additional right of way width along the Chester Road frontage as well as all the permanent easements within the development that cover the public water and sanitary that will eventually be accepted that was placed by the developer. Mr. Cummins said the plat that establishes the additional right of way and easement areas is complete and has been submitted and they decided to handle it separately and have it recorded because they are moving forward with the Chester Road widening project and to make sure they have the backstop of the final acceptance that is required by the developer's agreement to make sure all the last details were in place.

8. ORDINANCE NO. 70-21 – TO ESTABLISH THE TREE COMMISSION OF THE CITY OF AVON AND DEFINE ITS POWERS AND DUTIES Mr. Gasior

Mayor Jensen reminded Council that establishing a Tree Commission in Avon has been discussed for years. He said there has been some fear of what moving forward might look like, but this is the next step in becoming a Tree City USA. Mayor Jensen advised putting the Commission together is an education and recommendation board more so than anything else so they should not worry. He stated Mr. Moore has been in support of it and has pushed hard and they need to get this next step in place, and he felt it is a positive step to educate the public. Mayor Jensen reiterated it is a recommending board and Council can take the recommendations and decide what to implement and what still needs to be adjusted and changed. He felt it will show the residents that the City is serious about putting something like this together and that they are moving forward. Mayor Jensen invited Mr. Varga to the podium to go over the surrounding communities that have this in place already and none of these other communities have been hurt by it and felt it was all a positive.

Richard Varga, Arborist, of 33676 Reserve Way, Avon advised they need to have this in place to be an advisory and education commission. He said recently he received a call from a couple of residents on Sandy Lane who were worried about the trees because of the windstorms, and they asked him to identify certain species in their yards and they mentioned the tree in their tree lawn fell apart. Mr. Varga explained the City was trying to put together a Tree Commission so they would have a guideline as to what tree could go in its place once removed. He stated the Tree Commission would recommend specific species of trees for residents and they would be educating and advising residents, so they are more aware and that is the intent of the Commission. Mr. Varga advised they have a businessman from Avon who wants to serve on the Tree Commission and Matt Smith and Tom Smith, and they are looking for Council's blessing to start moving forward.

Mr. Gasior advised the City will need to create the position of Arborist and the Mayor will appoint his designee and he assumes it will be a part time position and then they would need to establish compensation for the position. He said if Council approves the creation of the Tree Commission, then the next step in the process will probably be to come before Council with an Ordinance to adopt a class spec for the position and then an Ordinance to set the pay and then the Arborist, whoever that may be, can begin work and then Council can appoint the 8 Commission members by motion.

Mr. Fischer advised Mr. Gasior and he discussed this topic earlier this afternoon and they may need to refer this to the Legal Committee to iron out the details.

Mr. Gasior advised they could refer it to the Legal Committee or accept this Ordinance as it is written and then refer the position of Arborist to the Legal Committee if they have any concerns. He said he already received an Arborist Class Spec from Clemens-Nelson and he can put that together in an Ordinance and it can be reviewed at the next Work Session and then pass it along with the pay Ordinance which would give them about three weeks to figure it out and he would consult Mr. Varga as a sounding board to create the position appropriately and provide it with the proper duties and functions.

Mr. McBride inquired if Matt Smith and the other Mr. Smith mentioned are related.

Mr. Varga said yes, they are.

Mr. McBride advised he knows there is a prohibition on the Charter Review Commission that those serving in that capacity cannot be related. He said he has lived in his subdivision for twenty years and virtually three fourths of the trees on the tree lawn are gone or dead. Mr. McBride added that those trees were not a good selection and were a nuisance. He stated that hopefully this Ordinance will save homeowners and Homeowners Associations some money in the future.

Mr. Varga advised this is their intent. He said the idea also is not to plant the same species everywhere but try to diversify so in case there is an infestation such as an ash bore, it will not eliminate all the trees on a given street. Mr. Varga stated they must take into consideration all the variables.

Mr. Butkowski asked from a financial perspective if they would need to have the Arborist as a City employee rather than a contractor/consultant for this specific Commission.

Mr. Gasior advised that is up to Council. He said the approach he is going to take was to have the employee, but Council could take it up in Legal or Finance Committee and decide which way they think might be best.

Mr. Witherspoon advised he noticed there was no provision for compensation for the members of the Commission. He wondered if it would be apropos to pay them something. Mr. Witherspoon suggested that while they were looking at compensating the Arborist, they may want to think about that as most of the other boards and commissions members are paid albeit a minimum. He said they will be working, at least in the beginning, quite a bit.

Mrs. Holtzmeier advised when there was a Legal Committee meeting last month to discuss this topic, she asked what the recommendation was that was made from the Committee.

Mr. Gasior advised he believed the recommendation was to set up the Commission.

Mr. McBride and Mr. Moore agreed with Mr. Gasior.

Mr. Varga said the whole idea in having the Tree Commission was to work toward becoming a Tree City USA. He stated once that is accomplished, they can apply for available grants and proceed with doing something that is beneficial for the City.

Mrs. Holtzmeier advised the reason she asked is because she looked at the minutes of the meeting on the City website and the end of the minutes says, "Mr. Moore asked Mr. McBride if there was an official recommendation and Mr. McBride said no, that he thought there was more homework to be done and that they would have another Legal Committee meeting and perhaps combine it with the Service Committee".

Mr. Fischer agreed and said he does not believe there was an official recommendation from the Legal Committee.

Mr. McBride said there was not an official recommendation, but he believes there was some conversation on and off after the meeting that they should first get this Ordinance passed and after the Tree Commission is established then come back with some recommendations. He advised there will be probably a half dozen prohibited tree species that are a nuisance to everyone and invasive that we probably do not want to grow in Avon.

Mr. Varga advised their intent is not to be the tree police, but to be the tree advisory committee. He said rather than demand that residents take a tree down they would advise them it was not beneficial and probably wise to think about removing that species of tree so that everyone is safe. Mr. Varga stated it is going to be beneficial for everyone.

Mrs. Holtzmeier advised the part that gives her a bit of pause is the need to flesh out a plan. She said she is hearing about next steps and that is great, but she would like to see something such as "here is what is going to happen in the next 36 months".

Mr. Varga advised he already has it together and he could send it to her. He said they have a tentative plan of how they are going to proceed through this whole process, and this is just the first step. Mr. Varga stated he has met and been over this with other cities, so he has a plan in conjunction with what the other cities have in place such as Avon Lake, Bay Village, Oberlin, and they have a plan. He advised that is what the Tree Commission is going to do is put together this final plan so they can move forward.

Mr. Radcliffe said he believes that was the point to put the Commission in place and then to get this plan finalized.

Mr. Moore said that is what the Commission is supposed to do, and he does not think that anything was going to move forward, but the first step was to set up this Commission so that they could meet and bring it back to Council with recommendations and then go from there.

Mrs. Holtzmeier advised realistically it is something the City is going to be engaged in for at least the next fifty years. She said to do this well, in the life cycle of trees, there is not a point they would look at and then say they have done enough and walk away so they want to do it right and they want to do it well. Mrs. Holtzmeier stated that she Council's job, in a fiduciary position and a safeguard position for planning, is to see that plan and review that plan and make sure that it is appropriate. She advised she likes what he is doing but she has never had anyone call her or email her and say that they are passionate about these trees. Mrs. Holtzmeier said generally calls to her are from those who are passionate about the water in their basement or they are passionate about the time it takes them to get across town. She stated she must deal with those complaints when people ask why they are not having a traffic commission or a sidewalk commission. Mrs. Holtzmeier asked how they reconcile that to say this is where the City's priority is right now.

Mr. Varga advised what happened in Avon Lake and Bay Village about a month ago on a Wednesday when thunderstorms came through, there were copious amounts of trees that came down and it looked like a tornado went through Bay Village. He said he received at least a dozen calls from people asking him to evaluate their trees and tell them which ones were safe and which ones were not. Mr. Varga stated he went to two homes on the south side of Lake Road and part of an old silver maple tree came down and he recommended it should come down because that tree is already a dangerous tree because of its species and those are some of the things they have to consider. He advised these trees coming down can destroy people's homes and it is something they have to be mindful of and there is a lot to it.

Mayor Jensen advised he does not believe establishing a Tree Commission would take the place of or move up in priority any of the other things the residents are concerned with. He said they know there is grant money available that they are not able to take advantage of and this is just the next step and he would hope they would not put this in a higher priority than anything else. Mayor Jensen stated he knows that Ms. Fechter gets a lot of phone calls when people take down trees for no apparent reason although some of it is just clearing their lot, but not having anything in place makes it hard to provide any answers or enforcement and this is the first step. He reiterated it certainly does not take priority over sidewalks or water or any other issues, but it is just another piece. Mayor Jensen added he would hope they would not lose sight of sidewalks as quite a few emails have come in to the Clerk's office and next year sidewalks are going to be a big focus and the Tree Commission will serve as an advisory and recommendation board.

Mr. Fischer advised he is referring this to the Legal Committee of Council and Mr. McBride can set that meeting up at a time when they are all available to attend and the Legal Committee can present to the whole of Council what they see fit and Council can go from that point.

9. [RESOLUTION NO. R-25-21 – SUPPORTING THE SUBMISSION OF A CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM FUNDING APPLICATION FOR THE PURCHASE OF LAND FOR THE PRESERVATION OF OPEN SPACE, SENSITIVE ECOLOGICAL AREAS AND STREAM CORRIDORS](#)

Mr. Cummins

Mr. Cummins advised the Clean Ohio grant program is administered through the Ohio Public Works Commission and just as the title states it is a grant opportunity to outright purchase land or purchase conservation easements to protect open space, sensitive areas, and stream corridors. He said there is a piece of property that he believes will be discussed in Executive Session later this evening on Stoney Ridge Road. Mr. Cummins stated this Resolution would just allow the Administration to submit a grant application to obtain some grant funding to offset the cost of purchasing that property.

10. REPORTS AND COMMENTS

MAYOR JENSEN advised there will be a special ceremony tomorrow night at 6:30 in remembrance of Maxton Soviak of Berlin Heights, Ohio, who was killed in Afghanistan. He said there are some residents in Avon who have family in the armed forces and they would like to do something to honor his life. He said the ceremony should only last approximately 15 minutes and all are invited at the Veterans Memorial behind the Avon Post Office.

Mayor Jensen asked that Avon's family to the north, Avon Lake, be remembered as there was a tragic loss of a family to an apparent murder/suicide. He asked that Avon Lake Safety Forces be remembered in prayer because those first responders who found that gruesome discovery would be experiencing some struggles as a result. He said any of us that have children and grandchildren know how tragic that would be to lose 2 small children and family.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 gave his condolences to the tragic event in Avon Lake and said he was sorry to see that in the news.

Mr. McBride advised there is a rival football game this week with Avon Lake and he cheered, "Go Eagles! Crush the Shoremen!"

MR. MOORE, WARD 3 had no further comments.

MR. RADCLIFFE, WARD 4 had no further comments.

MR. WITHERSPOON, AT LARGE wished Mrs. Holtzmeier and Mr. Varga a Happy Birthday!

MR. FISCHER, AT LARGE wished Mrs. Holtzmeier and Mr. Varga a Happy Birthday!

Mr. Fischer said they all know this week is Lake Week with the football game against Avon Lake as well as the Souper Bowl and to look for drop-off locations for canned goods or monetary donations. He said Avon has won the Souper Bowl the last few years and the donations go toward CRS.

Mr. Fischer advised they have had a great response from residents for our Council Corner article in the Avon Newsletter regarding sidewalks. He said he would love to see Council double their efforts next year as far as sidewalk replacement goes. Mr. Fischer stated residents have responded with suggested areas for improvement with sidewalks and Council is very encouraged by the response.

Mr. Fischer reminded everyone the memorial service for the September 11, 2001 attack on the United States is going to be held in Avon this Saturday, September 11, 2021 at 8:30 am. at the Veterans Memorial behind the Post Office.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR was absent.

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

MR. GASIOR, LAW DIRECTOR wished everyone born on September 7th a Happy Birthday!

MR. LOGAN, FINANCE DIRECTOR wished Mrs. Holtzmeier and Mr. Varga a Happy Birthday! He said he was surprised that Mrs. Holtzmeier remembered his birthday the other night and he thanked her for that.

MR. STREATOR, SAFETY DIRECTOR also reminded everyone of the September 11th ceremony at the Veterans Memorial behind the Post Office.

Mr. Streator advised further ahead on September 25th the Avon Safety Fair will be held at the Aquatic Facility from 10 am to 2 pm.

AUDIENCE:

Mary Berges of Ithaca Drive thanked Mayor Jensen, Safety Director Streator, the Avon Schools Superintendent, the Police Department and whoever else participated in the effort to reroute the school busses for Heritage North and South and redirect the parent pickup in the afternoon. She advised she drove through that area on the first day of school and it was unbelievable how empty the streets were and they could get their car through the intersections and were not running the gauntlet. Ms. Berges said it feels safe and it looked like it worked very well from the first day. She stated she is very appreciative of the Mayor's efforts to try to get this issue resolved as it has been years.

Mayor Jensen advised it is amazing when collaboration works. He said he is appreciative of everyone that came to the table and Mr. Streator was a big part of pushing that through and the commitment from everyone to make sure it worked.

Ms. Berges added it was very successful and she thanked them again and said she is very appreciative.

11. EXECUTIVE SESSION: 8:30 p.m.

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

The vote was 7 for and 0 against and the Chairman declared the motion passed.

12. RECONVENE: 9:07 p.m.

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

The vote was 7 for and 0 against and the Chairman declared the motion passed.

13. ADJOURN: 9:08 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