

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, SEPTEMBER 16, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward - Dennis McBride; 3rd Ward - Tony Moore; Council-at-Large – Michelle Patton; 4th Ward - Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

Council President Brian Fischer, called the Meeting to order.

1. PRESENTATION OF AVON'S HISTORICAL TREE RING

Mr. Varga, Arborist

Mr. Varga of 33676 Reserve Way, Avon advised he and some members of the Tree Commission were at the Tree City USA awards in Beachwood, Ohio and they had a display of a Tree Ring, and they were all very impressed and thought it was a great idea to have a tree from the City to denote time elements in relation to the rings on the tree. He said on another occasion, they were at the Holden Arboretum in Kirtland, Ohio where they had a tree ring on display as well. Mr. Varga stated they all agreed it was a great idea and they are fortunate here in Avon because they were able to cut the tree ring from a felled tree at the Avon History Walk located inside Every Child's Playground on Detroit Road and it from a black locust tree. He advised the City is also fortunate that Avon resident, Ron Buchanan, who does woodworking. Mr. Varga said Mr. Buchanan did a fabulous job on refinishing the tree ring and he also built the movable stand as well. He stated the thought is to have the local library, the Schools, etc. sign it out for display and educational purposes. Mr. Varga advised what the Tree Commission decided was to add historical Avon events to the tree ring to make it more personal such as when Avon was established as a City, when the Schwartz family first settled in Avon and so forth strictly pertaining to the history Avon noting that Ralph White from the Avon Historical Society also assisted by providing the historical data. He said eventually the thought is to have a plaque that states the tree came from the History Walk which would provide a more in-depth explanation of the markers on the tree ring.

Mr. Fischer advised he had a chance to look at the tree ring a couple of weeks ago in the lobby of City Hall and he agreed it would be great to have the tree ring being utilized in the Schools and at the Avon Library.

Mr. Varga explained that two identical tree rings were made for Avon, one has a permanent place at the Cahoon House Museum located on Stoney Ridge Road and the other one is located in the lobby of City Hall lobby which would be the one that can be checked out by various groups and organizations.

Ms. Berges said she wanted to thank Mayor Jensen on behalf of the Tree Commission for allowing this project to be started, completed and supported whole heartedly. She advised the Tree Commission approached Mayor Jensen asking for one tree ring and they ended up being allowed to create two tree rings. Ms. Berges stated they are very happy with the outcome, and she thanked Mayor Jensen again for that support.

Mayor Jensen advised he appreciates the hard work that went into creating these tree rings and having the ability for one of them to travel throughout the City for students and adults alike to learn about the history of Avon was great. He indicated some of the historical facts about Avon shown on the tree ring many people may not be aware of and would not study in a history book. Mayor Jensen said the City is very proud of the Tree Commission for their efforts by preserving some of Avon's history. He added the hope is that future generations will have the opportunity to learn of Avon's history.

Photos were taken with Mayor Jensen, City Council, Mr. Buchanan, Mr. White, and the members of the Tree Commission who were present.

2. ORDINANCE NO. 74-24 – TO AMEND SECTIONS 1222.02, 1270.03, 1270.08, 1280.05, AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROHIBIT CERTAIN USES THEREIN IMMEDIATELY ADJACENT TO OR WITHIN 500 FEET OF DETROIT ROAD Planning Referral

A Public Hearing was held on Monday, September 9, 2024 at 7:20 p.m.

The Third of Three Readings of Ordinance No. 74-24 will be held on Monday, September 23, 2024

Mr. Gasior advised he did not get a chance to make the amendments that he wanted to make to this legislation. He said he is hoping that before the week's end that Council will have those amendments. Mr. Gasior stated it is important that the City recognize that there might be certain accessory uses that could qualify for electric vehicle charging stations; perhaps restaurants and places where it would not be the primary use but the accessory use, that kind of business. He advised if a business owner wanted to have one or two charging stations in front of their business, the City may not want to prohibit that activity within 500 feet of Detroit Road, so they were going to have to carve out that exception. Mr. Gasior said the prohibition was for the automobile service station type of business, which would be gasoline and EV charging and all the other automotive uses that go with that kind of business. He stated the City still wants to prohibit that primary use, but at the same time allow for a facility inside Olde Avon Village to put in two or three charging stations which would be within 500 feet of Detroit Road and would present a problem with the Ordinance as it is written. Mr. Gasior advised he is trying to come up with a way to rewrite that section of the Ordinance to accommodate that type of use.

Mr. Radcliffe asked if the plan was to have those exceptions require a Special Use Permit or just define it in the accessory use section.

Mr. Gasior advised there were only two districts in the commercial zone where a gas station can be located. He said in a C-3 district, it is a Special Use like BJ's Wholesale Club and Costco. Mr. Gasior stated in a C-4 district, it is a Permitted Use. He advised where gas stations are a permitted use, they could change it to an accessory use and eliminate gas stations from Detroit Road. Mr. Gasior said if it is a permitted use like a restaurant or a bank or a drug store then an EV charging station could be allowed as an accessory use and possibly limit it to two or three stations per business. He suggested it could be tied to the square footage of the property or the number of parking spaces required to be provided.

Mr. Radcliffe advised he liked the idea of it being related to the number of parking spaces.

Mr. Gasior suggested perhaps it could be one EV charging station for every 20 parking spaces. He said he was working on trying to come up with the right formula. Mr. Gasior stated he hoped to have something in front of Council by next Monday night and it would then require an amendment and then adopt as amended.

Ms. Berges advised Olde Avon Village was mentioned as a place they could allow some EV charging stations and she asked if that meant they would be allowing these charging stations in the C-2 district because right now that use is prohibited in the C-2 district.

Mr. Gasior realized that what Ms. Berges was saying was correct and said they probably would not be able to do anything there because that is in the C-2 district and it is prohibited. He stated he was thinking along the lines of that type of situation such as Drug Mart on the corner of Nagel Road and Detroit Road where the large parking lot is located, and they may be able to install two or three of these charging stations depending on how the legislation is written. Mr. Gasior agreed that his previous statement was a bad example because it is in the C-2 district and is prohibited.

Ms. Berges asked if that was something that Council could consider with restrictions. She said in thinking about the parking lot with the Little League fields and the Senior Center and Olde Avon Village, that it could possibly accommodate a couple of charging stations.

Mr. Gasior said they could do that, but his recommendation would be to send the Ordinance back to the Planning Commission and let the Planning Commission set up the guidelines for that because they would be doing something that was a little bit more involved. He explained he would have to insert EV charging stations into the Code separate and apart from its association with fueling stations. Mr. Gasior stated they certainly would not want

to allow a gas station in the C-2 district as that issue was fought twenty years ago. He advised if allowing EV charging stations in the C-2 district is something that Council wants to consider, he would talk to the Council President to see if a referral back to the Planning Commission next week was appropriate. Mr. Gasior said the Planning Commission could take that topic up in the October Planning Commission meeting and then have the amended Ordinance come back to Council in late October or early November. He believes they would still be within the moratorium period.

Mr. McBride advised regarding any business such as Drug Mart that is exposed to the public right of way on Detroit Road if the business is closed would that EV charging station automatically be turned off as well. Mr. McBride asked do they want cars just parked in a parking lot using the EV charging station when the business is closed much the same as a truck stop. He said his opinion is that the charging station is there for the convenience for the customers of those businesses during business hours. Mr. McBride asked if they care if people are charging their vehicles after hours when the business is closed. He said his opinion is that it needs to be well thought out. Mr. McBride added if an EV charging station is installed on City property, he assumes the City will charge for its use for private vehicles. He said if someone can afford to buy one of the more expensive electric vehicles, he felt they could afford to pay to have it charged. Mr. McBride quipped the City was not here to subsidize someone's fuel tank.

Mr. Gasior advised as he thinks about the comments that have been made, it might be better to go forward with the Ordinance as it is written with maybe a couple of minor tweaks as he pointed out earlier. He said they could possibly go back to the Planning Commission with a new Ordinance at a later date to address some of the issues that have been raised. Mr. Gasior stated that way they are not holding up the process as it is clear that they do not want gas stations and other types of fueling to take place along Detroit Road, which is a special street in this community. He suggested they take care of that business and then come back before the Planning Commission and drill down on some of these issues.

There was no further discussion.

3. ORDINANCE NO. 82-24 – TO AMEND SECTION 206.02 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON DELINEATING WARD BOUNDARIES Mr. Cummins
The Second of Three Readings of Ordinance No. 82-24 will be held on Monday, September 23, 2024

Mr. Cummins advised there were no updates that he was aware of regarding this legislation.

4. ORDINANCE NO. 86-24 – AUTHORIZING THE MAYOR TO EXECUTE A REVOCABLE USE PERMIT FOR 36160 DETROIT ROAD, PERMANENT PARCEL NO. 04-00-015-101-128, TO OCCUPY A PORTION OF THE CITY RIGHT-OF-WAY ALONG A SECTION OF DETROIT ROAD (NORTH SIDE) A WIDTH OF APPROXIMATELY 113.40 FEET Mr. Cummins

Mr. Cummins advised as part of the ongoing SR83 and SR254 intersection project that is headed to construction next year, the City is acquiring right of way. He said ODOT also requires that the City address any encroachments in the existing right of way within the project area. Mr. Cummins stated it came to the City's and ODOT's attention that some of the signage and landscaping for the French Creek shopping area at Bob Evans was in the existing right of way. He advised they are not doing any work in that area to disturb any of the signage and landscaping, and he does not believe there is a problem with it being located there. Mr. Cummins said ODOT requires that the City set up a mechanism to explicitly permit those features to be there and set up a mechanism so that in the future if that area should be needed or it falls into disrepair that the City has a mechanism to take back use of the right of way and require certain things to happen. He reminded Council that there was another instance where the City did something exactly like that on a previous ODOT project. Mr. Cummins advised previously the City received some ODOT funding to do resurfacing on Moore Road and there was a fence in the existing right of way and revocable use permit was put together and brought it to City Council a few years ago. He said this is exactly the same thing and this document will get filed with the County and be a part of the official record.

Mr. McBride said he assumes the property owner is required to sign the revocable use permit and that they are aware the legalities involved. Mr. Cummins confirmed that is correct and that it has already been done.

Mr. Radcliffe asked for clarification as to whether there would be changes made to that project.

Mr. Cummins advised the right of way is staying the same. He said these landscape features are staying the same. Mr. Cummins explained that it is technically an encroachment, and it is located within the project area and so ODOT is requiring that the City officially address it.

Mr. Gasior asked for clarification as to whether the landscaping features were currently in the right of way or would it be located in the new right of way.

Mr. Cummins advised it is located in the current right of way. He said it is located north of the large utility pole line and there is no plans to do any work in that area for this project, possibly some ADA ramp work, but they are not changing the footprint of what is there on the north side of Detroit Road.

5. ORDINANCE NO. 87-24 – AUTHORIZING THE CREATION OF THE TAX INCREMENTAL FINANCING FUND II, NO. 306 Mr. Presley

Mr. Presley advised last year the City, and the Avon Schools entered into a joint agreement amending the original TIF where the City will retain 50% of those funds instead of the 33%, which is effectively more money. He said he needs to segregate those funds to keep those expenses pursuant to the agreement separate from the original TIF agreement. Mr. Presley stated the easiest most effective way to do that is to create this new Fund. He advised the City has some money as a result of the second half property taxes to allocate to this TIF II so, he would like to get it established as quickly as possible.

6. ORDINANCE NO. 88-24 – TO AMEND SECTION 1064.03 AND SECTION 1065.04 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE FEES FOR USE OF PARK FACILITIES AND FIELDS AND TO AMEND THE LANGUAGE PERTAINING TO FEES FOR ADMISSION TO THE AQUATIC FACILITY Mayor Jensen

Mayor Jensen advised in looking over the field rentals, the fees have not been increased in probably more than ten years. He said Ms. Harasimchuk, the Recreation Coordinator, recommended these fees be updated. Mayor Jensen clarified the fees do not include the soccer league, the little league, as well as Avon football as those leagues would continue to not be charged a fee for the use of those fields. He stated the baseball fields have been rented for \$25 for residents and would increase to \$35/game (max 2 hours). Mayor Jensen advised for non-residents the fee would increase from \$60 to \$75/game (max 2 hours). He said multi-use fields (soccer, lacrosse, football) will increase from \$25/hour to \$35/hour for residents and from \$50/hour to \$60/hour for non-residents. Mayor Jensen stated private use of the pavilions will change from a 3-hour increment to an all-day rate (9am to 8pm) from \$25 to \$50 for residents and from \$50 to \$100 for non-residents. He said the limited hour rental was becoming increasingly difficult to monitor and control as well as clean up from one group to the next. Mayor Jensen advised Ms. Harasimchuk recommended simplifying the pavilion rental for those reasons.

Mr. Fischer felt they were modest increases in all those categories.

Mr. McBride felt that residents should have priority over non-residents for the rental of these park amenities. He said he does not know how the City would police that or if they even want to.

Mayor Jensen believed the Ordinance would have to be amended to make that kind of change. He advised the pavilion rentals are not something that has been an issue for that reason as the City has enough park pavilion's available to accommodate most situations. Mayor Jensen said if Council wishes to make that change it could be discussed at a later date, but this legislation pertains only to the fees.

Mr. McBride advised he does not want to make an issue where there is none. He said he assumes that the Parks and Recreation Department would say something if it was becoming an issue.

7. RESOLUTION NO. R-23-24 – TO ADVERTISE FOR BIDS FOR A SALVAGE CONTRACT FOR THE AVON POLICE DEPARTMENT Mr. Streator

See comment below under item #8.

8. RESOLUTION NO. R-24-24 – TO ADVERTISE FOR BIDS FOR THE AVON POLICE DEPARTMENT VEHICLE TOWING AND STORAGE CONTRACT Mr. Streator

Mr. Streator advised both Resolution No. R-23-24 and Resolution No. R-24-24 are for the Police Department. He said the salvage contract and the vehicle towing, and storage contract both expire at the end of November, so it is time to go out for bid as they were now at the end of those two-year contracts. Mr. Streator stated he would come back to Council some time in November with the results of the bids hopefully asking for contracts to be awarded.

9. REPORTS AND COMMENTS

MAYOR JENSEN advised in looking at the street lighting along Detroit Road where they place the hanging baskets of flowers and banners, they recently learned that the company that makes those light fixtures with the attachments for the hanging baskets and banners are no longer manufacturing that kind. He said in order to replace all of them, they need to be ordered well in advance. Mayor Jensen stated the intention is to reimburse the City from the NOPEC grant funds, but they need the money upfront. He advised Mr. Streator reported to him that they will cost almost \$200,000 and there is grant money available from NOPEC and he asked that a supplemental appropriation of \$130,000 be placed on next week's agenda for Council's consideration. Mayor Jensen explained that even with purchasing the new light fixtures now, they would not come in until next year and the current streetlights would be replaced with the new style so they would all match.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE had no comments.

MRS. DEMALINE, WARD 1 had no comments.

MR. MCBRIDE, WARD 2 advised he is still seeing signs in the public right of way in the City. He said T3 Performance seems to take a lot of liberties with the public right of way. Mr. McBride stated if a sign is clearly in the public right of way, he would love to see a City employee pick them up. He indicated the only way some of the offenders would stop was to remove their signs every time the violation occurred. Mr. McBride advised he has pulled signs out of the right of way on occasion.

Mr. McBride advised the other issue was that it appears that there are a lot of vehicles in this town driving around that are not street legal. He said there are bumper ranges for height, and you cannot jack up a pickup truck and put on 1,000-inch tires. Mr. McBride stated tires were not supposed to be outboard of the body of the truck, so they do not throw off stones. He advised he would like to see some research and if vehicles are in violation, then maybe warnings could be handed out then citations written. Mr. McBride said if a car was impounded for not being street legal, it might make a difference in the number of violators continuing to be on the road.

MR. MOORE, WARD 3 had no comments.

MS. PATTON, AT LARGE thanked the Tree Commission and the Avon Historical Society for spearheading the tree ring project. She said it is gorgeous and much nicer than what she envisioned. Ms. Patton reminded everyone that as far as the Ohio State Standards for Teaching in the elementary schools' grades K thru eight, the grade level that teaches Avon history is third grade. She stated she was not sure how to make the schools aware of the tree ring and make sure they have the tree ring when teaching about Avon history. Ms. Patton suspected that all the third-grade teachers teach that unit simultaneously and it was probably a month-long unit.

Mayor Jensen advised he would reach out to the schools.

MR. RADCLIFFE, WARD 4 had no comments.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR had no comments.

AUDIENCE:

There were no comments from the audience members.

10. ADJOURN: 8:06 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