

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, OCTOBER 7, 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; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 4th Ward - Scott Radcliffe and City Engineer – Ryan Cummins

Council President Brian Fischer, called the Meeting to order.

1. [ORDINANCE NO. 82-24 – TO AMEND SECTION 206.02 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON DELINEATING WARD BOUNDARIES](#) Mr. Gasior

The Third of Three Readings of Ordinance No. 82-24 will be on Tuesday, October 15, 2024

There were no comments and no questions.

2. [ORDINANCE NO. 90-24 – APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER](#) Mr. Gasior

The First of Three Readings of Ordinance No. 90-24 will be held on Tuesday, October 15, 2024

Public Hearings will be held on Thursday, October 17, 2024, and Monday, October 21, 2024

Mr. Gasior advised these are straightforward boilerplate pieces of legislation that he reviewed and were put together by NOPEC. He said the reason for the three readings is to give enough notice to conduct the two public hearings. Mr. Gasior stated this legislation is to add the opt-in provision to the natural gas program noting it was already in the electric aggregation program.

Mr. McBride asked if the residents will still be automatically entered into the program and still have to opt-out if desired or would this automatically opt everyone into the program.

Mayor Jensen advised previously when someone opted out of the program there was a waiting period before they could opt back in. He said with this legislation in place, people could opt back in without waiting.

Mr. Gasior advised the way that NOPEC contracts for the gas aggregation program, those contracts could be for a year or two. He said the way it was conducted without the opt-in provision was that if someone wanted to opt-in, they would have to wait for that contract to end and then they would be given an opportunity to opt back in before a new contract was entered into.

Mr. McBride suggested they advertise that information once this is all said and done.

Mr. Fischer asked for clarification as to what time the Public Hearings would be held on those dates. The Clerk reported that the public hearing to be held on Thursday, October 17, 2024, is scheduled for 3:00 p.m. and the one to be held on Monday, October 21, 2024, is scheduled for 6:30 p.m. in Council Chambers of City Hall.

Mr. Gasior added that City Council does not have to attend those public hearings noting that those public hearings are conducted by Kyla Presto on behalf of NOPEC. He said NOPEC will be able to answer any questions that anyone who shows up to the hearing might have about the program.

3. ORDINANCE NO. 91-24 - AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER Mr. Gasior

The First of Three Readings of Ordinance No. 91-24 will be held on Tuesday, October 15, 2024

Mr. Gasior advised this is a companion Ordinance to Ordinance No. 90-24. He said Ordinance No. 90-24 is the plan of operation and then officially adopting the plan of operation with the opt-in program is in Ordinance No. 91-24.

4. ORDINANCE NO. 92-24 – TO AMEND A SPECIAL USE PERMIT GRANTED TO CARAVON GOLF COMPANY, LTD (RED TAIL GOLF CLUB) TO INCLUDE INSTALLATION OF A SHORT GAME PRACTICE GREEN ON A PARCEL OF LAND LEASED FROM GEORGIA PROPERTIES (PP# 04-00-025-000-484) AND LOCATED ON THE EAST SIDE OF NAGEL ROAD Planning Referral

Ms. Fechter advised as stated this is an amendment to the Special Use Permit granted to Caravon Golf Company. She said Red Tail is proposing a short game practice green on the east side of Nagel Road. Ms. Fechter stated the applicant has gone through the process with the Planning Commission and it was recommended to Council with 5 voting in favor and 0 voting against at their meeting on September 18, 2024. She advised the applicant has been working very closely with the City as part of this property is located in the floodplain. Ms. Fechter indicated the applicant has worked with the City Engineer as well as with the Chief Building Official who is also the Floodplain Administrator and has completed all requirements and has received approvals from those City officials to move forward. She advised they are now asking City Council to consider amending their Special Use Permit for the installation of a Short Game Practice Green.

5. ORDINANCE NO. 93-24 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT 3192 STONEY RIDGE ROAD IN THE CITY OF AVON, PERMANENT PARCEL NO. 04-00-011-102-055, FROM ERICKSON J. STIFFLER Mayor Jensen
To Be Addressed at a Special Meeting Immediately Following the Work Session

Mayor Jensen advised recently he talked with Council about purchasing this property and he recalled that years ago there was supposed to be an access drive for the high school around the area where this property is located, but ultimately access ended up being off Hunters Trail at Deer Run. He indicated it has been source of complaints from the residents who live on Hunters Trail ever since and this is a way to correct that situation. Mayor Jensen said the City is also looking at improving that intersection (Stoney Ridge Road and Kinzel Road) and because of the agreement entered into earlier this year, between the City and the Schools, it allows for this to be a joint venture to fix that situation and help the traffic flow with a different exit out of the high school. He stated this is the first step in this process and it would be considered by Council for a vote at the Special Meeting tonight after the Work Session. Mayor Jensen felt that everything that was discussed with Council was agreed upon in the contract and the City would probably take possession in early 2025.

Mr. Gasior advised earlier tonight he spoke with the property owner and Mr. Stiffler requested a clause be inserted in the contract that would enable Mr. Stiffler to do a 1031 Exchange. He said it is a simple clause that allows the seller to assign it to a third party and that third party conducts the transaction and then Mr. Stiffler can do his 1031 Exchange. Mr. Gasior stated from the City's standpoint it does not change any of the terms or the cost. He advised since the Ordinance is written that Council authorizes the Mayor to execute the purchase agreement in substantially the form as presented. Mr. Gasior said as such, the form as presented will be slightly changed to incorporate that clause that addresses Mr. Stiffler's issue with the 1031 Exchange.

Mayor Jensen indicated the bridge that crosses French Creek at 2980 Stoney Ridge Road, a property owned by the City known as the Traxler Arboretum, is in very poor shape and to replace that bridge would cost almost one million dollars. He explained the purchase of 3192 Stoney Ridge Road alleviates that immediate need as they could now have the entrance to the Traxler Arboretum through the new access drive created since the High School property abuts the Traxler Arboretum property. Mayor Jensen said a parking lot could be created to allow

parking on the Traxler property from that access drive eliminating the need for the bridge to be drivable to access the Traxler property from Stoney Ridge Road. He advised this also allows emergency vehicle access and the like to the Traxler property without building a \$1 million bridge. Mayor Jensen added that there are still plans to replace that bridge with a walking bridge, but there is still more work that needs to be done before that can happen. He stated in the coming weeks he would get a drawing out to Council so they could see exactly what that would look like once the roadway/access drive is installed.

Mr. Gasior advised he believes there are two renters currently at the property and in the contract the City is requiring those renters vacate the property before title transfers and the property sale closes. He said one of the reasons Council is being asked to act on this legislation at a Special Meeting is so that Mr. Stiffler can notify those tenants that he is selling the property. Mr. Gasior stated the sooner that Mr. Stiffler can notify the tenants, the sooner they can vacate. He advised this would allow ample time for that issue to be taken care of, as he was not certain the property would transfer this year.

6. [ORDINANCE NO. 94-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS](#)

Mr. Presley

Mr. Presley explained the supplemental appropriations as follows:

General Fund No. 101

Increase Purchase of Land by \$400,000 as this additional purchase was not included in the original budget.

Increase Outside Legal by \$50,000 as the original budget is insufficient to complete the year.

Total Increase in Fund 101	\$450,000.00
----------------------------	--------------

Water Revenue Fund No. 611

Increase Engineering Services by \$35,000 for the Shakespeare Lane Water Main Replacement Project.

Total Increase in Fund 611	\$35,000.00
----------------------------	-------------

Grand Total of All Supplemental Appropriations	\$485,000.00
--	--------------

Mr. Fischer asked Mr. Gasior to expound on the increase in legal fees.

Mr. Gasior advised there are two cases in the Court of Appeals that involve litigation surrounding Red Tail Subdivision No. 17. He said first it was authorization for the Subdividers Agreement and then it was the Acceptance of Improvements. Mr. Gasior stated that case has already gone past the Common Pleas Court.

Mr. Gasior advised the City is also in court with Chamberlin Land Development, which is Marc Strauss' company over whether Mr. Strauss' request should have been placed on the Planning Commission's agenda with all of the outstanding property taxes that were due. Mr. Gasior said the City is working through that issue with outside legal counsel.

Mr. Gasior stated the State Route 83 and Detroit Road intersection improvements are going to impact about 30 parcels of land, none of which are significant except for possibly two parcels, City Centre being one and St. Mary's of the Woods being the other. He said these small acquisitions, if the City cannot get the property owners to sign either Rights of Entry or Settlement Agreements, then the City will have to file appropriation actions and those can be very expensive, and he would probably go to outside legal counsel to prepare that litigation.

Mr. Gasior stated those are some of the legal issues going on and he was certain there would be an Executive Session soon where he could update Council further on all of these matters.

7. ORDINANCE NO. 95-24 - TO AWARD THE BID FOR THE EXTENSION OF THE AVON COMMERCE PARKWAY Mr. Gasior

Mr. Gasior advised Mr. Cummins wanted to get this legislation in front of Council before he left town on vacation. He said over the weekend it occurred to him that Council cannot act on this legislation until the owner of the property dedicates the right of way to the City. Mr. Gasior stated there is a Developer's Agreement that was passed by Council about a month ago and he believes work has begun on the project, so they were getting close. He advised the City has 60 or 90 days to award the bid. Mr. Gasior asked Council to remove this Ordinance, and it would not be placed on a Work Session until the City has the street dedication filed and recorded and then they can go forward with awarding the bid. He said it was a move on the Engineer's part to get it done before he went on vacation not realizing that this is one of those unique projects that the City is working on. Mr. Gasior stated Ms. Fechter could probably tell Council about the economic significance of this project to the City with the number of jobs that are going to be created, and he believes there was some grant monies coming as well which adds to the reason everyone wanted to move quickly. He advised as such some things got taken out of their usual order and is why he is asking for it to be removed and it would come back in front of Council when the City was ready.

7a. ORDINANCE NO. 96-24 – TO AUTHORIZE AN AMENDMENT TO THE DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE CITY OF AVON AND ISOMER GROUP, INC. Planning Referral

Mr. Gasior advised this was previously presented to the Planning Commission and when compiling this agenda last week this item was missed and is a simple amendment. He said when Drug Mart was placed on the ballot to rezone the east side of Nagel Road from residential to commercial, the City asked the applicants to enter into a Development Agreement so that the City could see how they were going to layout the parcel and try to hold them to that layout and limit the number of curb cuts signage and things of that sort. Mr. Gasior stated what happened was the City entered into the Development Agreement and only allowed for one multi-tenant sign on Nagel Road. He advised since then, the way the property is being configured and doing lot splits and things of that nature, the applicants may need two additional signs. Mr. Gasior said it was brought before the Planning Commission in September and the Ordinance is now in front of Council.

Ms. Fechter apologized for the late addition and said she would make sure that does not happen again. She said as Mr. Gasior indicated; they were asking to amend Ordinance No. 71-22 with this new legislation Ordinance No. 96-24 with the only change being going from one sign on Nagel Road to a total three signs with one being located on Middleton Road at the entrance and one at the right-in/right-out and one at the full access on Nagel Road.

Mrs. Demaline asked if they could illustrate where these signs are going.

Ms. Fechter advised in the Planning Referral, each Council Member was provided a copy at their place on the dais, she noted there is a drawing that shows the proposed locations of the signs. She said the full access sign was showing the location, but it was not going to be constructed for some time.

Mr. Fischer asked if the three signs were all the same size.

Ms. Fechter advised the rendering is not the actual sign, but just an example. She said the applicant will have to submit actual renderings for approval with the City before installation of any signs. Ms. Fechter indicated it would be very similar to the drawing submitted.

8. REPORTS AND COMMENTS

MAYOR JENSEN advised the Arbor Day celebration was a huge success. He said anyone who attended could see the hard work that the City work force put in as well as the Tree Commission. Mayor Jensen stated he was proud to see our staff working hard especially the Streets Department who had a banner they made specifically for that day and a lot of pride went into it. He thanked State Representative Gayle Manning for attending and welcoming everyone. Mayor Jensen added it was a great day, the weather was great, and overall it was a great success. Thank you to everyone who played a role in making it a success.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE agreed the Arbor Day event was a great day and a great success. She thanked Mayor Jensen for attending and noted that State Representative Manning had a lot of very kind and positive words to say about Avon and the work that the City has done with Tree City USA. Ms. Berges said not only was the Streets Department there, which was great, but David Smith from Chagrin Valley Engineering was there with a display on rain barrels, one of which was raffled off. She stated the Garden Club was there with lots of seed packets that they handed out and, they helped with the scavenger hunt. She advised there was also City Staff that helped throughout the planning process such as Ms. Brooks, Ms. Wright in Finance, Mr. Presley, the Assistant Clerk Rachel Markovitz and the Mayor's Administrative Assistant Ms. Seighman. She also thanked Ms. Fechter for coming to the event as it was nice to see her there.

MRS. DEMALINE, WARD 1 had no comments.

MR. MCBRIDE, WARD 2 advised he wanted to follow-up about the area on SR611/Colorado Avenue heading northbound at the I-90E entrance ramp, as motorists have been making a right turn where there is no traffic lane. He asked if it was still on schedule to block that so that motorists cannot create a lane to turn right at that light.

Mr. Streator advised Mr. Cummins is working with ODOT to try to come up a plan and decide what can be done at that location. He said they were still in discussions about that situation.

Mr. McBride advised in response to Mrs. Demaline's email regarding sidewalks on Colorado Avenue/SR611 on the west side that there will probably be some type of issue with the Dairy Treat aka "The Lick". Mr. McBride also stated as you head toward Detroit Road on Colorado Avenue that it would be good to let businesses know that sidewalks were coming, and they would be required to install them. He felt they should do whatever needs to be done to expedite that notice and said while it would not take away all the pain out of it, it would reduce some of the sting.

Mr. McBride apologized to Mr. Streator that he was bothered on Sunday. He advised he would no longer be pulling signs that have been illegally placed in the public right of way as he may have two criminal complaints filed against him that are being referred to the Prosecutor's Office. Mr. McBride added his days of trying to assist the Zoning Department are over.

MR. MOORE, WARD 3 had no comments.

MS. PATTON, AT LARGE advised as they are hearing about signage that will be installed on Nagel Road, she felt it brings to their attention the importance of having a strong sign plan in Avon and the guidelines that are required by the City. She felt that looking at the sign plan and making some changes or additions was needed as the signs are going to be here for a very long time.

MR. RADCLIFFE, WARD 4 was absent.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was absent.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR agreed that the Arbor Day celebration was very nice. She advised she arrived at the tail end of the event but there was still a good number of people there and it was nice to see such a great group of people come together and host such a great event.

Ms. Fechter advised she also wanted to recognize Ohio Pools & Spas on Center Road as their Grand Opening was held on Saturday, October 5, 2024, at 1:00 p.m. She said it was very nice and it was also

nice to meet the owner, Amanda, who is a third-generation owner of this business. Ms. Fechter stated Amanda is so excited to be doing this work and her mother, who sold Amanda the business, was present for the Grand Opening event. Ms. Fechter advised she is grateful when a business allows the City to be a part of their special moment, and she was proud to be there representing the City.

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.

9. ADJOURN: 7:59 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