

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, DECEMBER 4, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Jennifer Demaline; Council-at-Large – Tammy Holtzmeier; 2nd Ward - Dennis McBride; 3rd Ward -Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; 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 Streator; Clerk of Council – Barbara Brooks

1. **ORDINANCE NO. 112-23 – APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN FOR THE CITY OF AVON** Planning Referral
A Public Hearing will be held for Ordinance No. 112-23 on Monday December 11, 2023 at 7:25 p.m.
The Third of Three Readings of Ordinance No. 112-23 will be Monday, December 11, 2023

Ms. Fechter advised there were no further updates.

2. **ORDINANCE NO. 114-23 –TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING APPROXIMATELY 10.7364 ACRES OF LAND CONSISTING OF A 10.6661 ACRE PORTION OF PERMANENT PARCEL NO. 04-00-022-102-072 AND A 0.0703 ACRE PORTION OF PERMANENT PARCEL NO. 04-00-022-102-006 BOTH OF WHICH ARE LOCATED JUST WEST OF THE MIDDLETON ROAD TERMINUS FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT** Planning Referral
A Public Hearing will be held for Ordinance No. 114-23 on Monday, December 11, 2023 at 7:20 p.m.
The Third of Three Readings of Ordinance No. 114-23 will be Monday, December 11, 2023

Ms. Fecher advised there were no further updates.

3. **ORDINANCE NO. 120-23 – MAKING A PERMANENT APPROPRIATION OF MONIES FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES (THE OPERATING BUDGET) OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2024** Mr. Presley
The Second of Three Readings of Ordinance No. 120-23 will be at
the Special Meeting Immediately Following this Work Session

Mr. Presley advised there were no changes made, and this Ordinance can go the full three readings.

4. **ORDINANCE NO. 127-23 – ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY ADMINISTRATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024** Mayor Jensen
The First of Three Readings of Ordinance No. 127-23 will be at
the Special Meeting Immediately Following this Work Session

Mayor Jensen advised these are the typical increases given to the Administrative employees that follow along with the bargaining union contracts. He said the increase has been 3% in recent years and most of those listed are being recommended for that 3% increase. Mayor Jensen noted that a few positions had wages that were lower than where they should be and those positions were given a slightly higher increase such as the Finance Director, the Superintendent of Utilities, and the IT Coordinator.

5. ORDINANCE NO. 128-23 – ESTABLISHING COMPENSATION FOR FULL AND PART-TIME CITY LEGISLATIVE POSITIONS NOT COVERED BY ANY COLLECTIVE BARGAINING AGREEMENT FOR THE YEAR 2024 Mayor Jensen

The First of Three Readings of Ordinance No. 128-23 will be at the Special Meeting Immediately Following this Work Session

Mayor Jensen advised the Legislative positions, which are Council's employees, are similar to the Administrative positions in that these employees are being recommended for the standard 3% increase as well.

6. ORDINANCE NO. 129-23 – AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LETTER AGREEMENT DATED JUNE 27, 1990, WITH THE CITY OF NORTH RIDGEVILLE REGARDING SANITARY SEWER USAGE FEES FROM COUNTRYSIDE ESTATES #1 Mayor Jensen

The First of Three Readings of Ordinance No. 129-23 will be at the Special Meeting Immediately Following this Work Session

Mayor Jensen advised this agreement with North Ridgeville goes back more than 30 years to establish a sewer that extends into North Ridgeville and the City of Avon fought it and subsequently a settlement was reached, and the sanitary sewer was installed into North Ridgeville. He said there was a difference of opinion in the interpretation between Avon and North Ridgeville as to that original agreement. Mayor Jensen stated both cities have now reached an agreement that is fair for both cities. He advised there was some discussion as to whether the City of Avon should pay back to the City of North Ridgeville past fees, but it was decided that moving forward this was the most fair and equitable way to work out this issue. Mayor Jensen said the agreement has been reworded so that it is clear for both Cities so it cannot be misinterpreted, and he believes the City of North Ridgeville is passing the same legislation with their Council and both parties agree it is a fair deal.

7. ORDINANCE NO. 130-23 – AUTHORIZING THE MAYOR TO EXECUTE A GRANT AWARD AGREEMENT TO PARTICIPATE IN THE STATE CAPITAL BUDGET GRANT PROGRAM TO ASSIST WITH THE ACQUISITION OF LAND FOR PUBLIC USE Mr. Presley

The First of Three Readings of Ordinance No. 130-23 will be at the Special Meeting Immediately Following this Work Session

Mr. Presley advised this agreement is pursuant to the \$400,000 for the purchase of property that has already been executed. He said they need to get this agreement passed so that the Mayor can sign off on it and the City can receive the reimbursement for the \$400,000 from the State Capital Budget Grant Program for the Traxler property.

8. ORDINANCE NO. 131-23 – RATIFYING THE MAYOR'S EXECUTION OF AN AGREEMENT WITH LORAIN COUNTY PUBLIC HEALTH TO PROVIDE CERTAIN PHASE II STORMWATER SERVICES IN THE CITY OF AVON Mr. Cummins

The First of Three Readings of Ordinance No. 131-23 will be at the Special Meeting Immediately Following this Work Session

Mr. Cummins advised as part of the City of Avon's stormwater phase II program, and the Ohio EPA Phase II Stormwater Program, they have to monitor and investigate illicit discharges if those should happen. He said for them to do that it may require some amount of water testing to be completed so they have to have a mechanism in place to do that. Mr. Cummins stated Lorain County Public Health has those capabilities and is a willing partner to provide those services as needed. He advised he believes this is the fourth time that this similar agreement has been in front of City Council to be approved and there are no significant changes other than some minor increases in the fees should the City need these services. Mr. Cummins said the City has not had the opportunity to need them as of yet, but they do have to have someone available if they are needed.

9. ORDINANCE NO. 132-23 – REAPPROPRIATIONS Mr. Presley

The First of Three Readings of Ordinance No. 132-23 will be at the Special Meeting Immediately Following this Work Session

Mr. Presley advised the list of supplemental appropriations will be adjusted as they go further up to the meeting scheduled for December 18, 2023. He said at this point these are some quick calculations. Mr. Presley stated specifically he needs to go back and look at the Police and Fire salary, wages and benefit budgets for 2023. He advised he was not sure that all of the approved positions that were granted were fully budgeted in 2023. Mr. Presley said in doing the 2024 budget, he did list out all of the specific authorized positions whether filled or not. He stated this is a placeholder at this point and it will be revised before final passage on December 18, 2023.

10. ORDINANCE NO. 133-23 – AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY ENGINEERING, LTD AND ESTABLISH THE COMPENSATION FOR THE CITY ENGINEER FOR 2024 Mayor Jensen

The First of Three Readings of Ordinance No. 133-23 will be at the Special Meeting Immediately Following this Work Session

Mayor Jensen advised this is similar to the wage increases proposed for the Administrative positions with the overall average at 3%. He said he went over this contract with Mr. Cummins and he is satisfied with these calculations. Mayor Jensen stated he is satisfied with the work that Chagrin Valley Engineering has done for the City and he is very pleased to continue the working relationship with CVE and Mr. Cummins.

11. ORDINANCE NO. 134-23 – ESTABLISHING 2024 COMPENSATION FOR THE DIRECTOR OF LAW OF THE CITY OF AVON Mayor Jensen

The First of Three Readings of Ordinance No. 134-23 will be at the Special Meeting Immediately Following this Work Session

Mayor Jensen advised this is similar to the CVE compensation legislation with some small adjustments. He said he believes that everyone realizes that with Mr. Gasior they always get more than what we pay for and Mr. Gasior is always fair as far as the compensation he is given. Mayor Jensen stated he is pleased to continue the relationship with Law Director Gasior and the City of Avon.

Mrs. Demaline asked if the City has always had the PERS pickup with the agreement with the Law Director's compensation.

Mr. Gasior advised yes.

Mr. Presley clarified that under PERS pickup the City is not paying the employee portion, but merely calling it PERS pickup for the reason of a tax deferred basis. He advised the City is not paying any of the employees' portion as he is responsible for that 10% paid out of his salary.

Mrs. Demaline advised she asked because it was different language than last year's Ordinance as it states, "which shall include PERS pickup".

Mr. Presley advised as far as the Finance Department looks at it, it is to say that the PERS is taken out before federal taxes.

Mrs. Demaline reiterated what Mr. Presley stated by saying, so he is still paying the employee portion meaning there is no difference between Mr. Gasior and the other employees.

Mr. Gasior indicated that was correct and that it was just verbalized in this legislation. He said it was verbalized in many Ordinances related to his pay previously and then he did not know what happened, but it seemed to be non-verbalized and now he wanted to make sure it was added back in once again. Mr. Gasior stated he spoke with Mr. Presley and it is the same as it is for other non-bargaining employees.

Mrs. Demaline thanked them for the clarification.

12. ORDINANCE NO. 135-23 – TO ACCEPT ALEX W. BOCCABELLA’S WAIVER OF COMPENSATION DURING HIS TENURE ON THE AVON TREE COMMISSION Mr. Gasior

The First of Three Readings of Ordinance No. 135-23 will be at
the Special Meeting Immediately Following this Work Session

Mr. Gasior advised Mr. Boccabella is a member of the City’s Tree Commission and his current term will expire at the end of 2024. He said Mr. Boccabella has asked that he not be paid for his service on the Tree Commission and the City is happy to grant that request, but he felt it was incumbent upon City Council to agree to act in that fashion as opposed to simply having him do so outside of the scope of Council authority since there is an Ordinance that provides for compensation to those individuals.

13. ORDINANCE NO. 136-23 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LJB ENGINEERING TO PERFORM BRIDGE ENGINEERING SERVICES FOR THE DESIGN AND CONSTRUCTION OF TWO NEW PEDESTRIAN BRIDGES OVER FRENCH CREEK ALONG STATE ROUTE 83 AS PART OF THE LOR-83(AVON) SIDEWALK PROJECT Mr. Cummins

The First of Three Readings of Ordinance No. 136-23 will be at
the Special Meeting Immediately Following this Work Session

Mr. Cummins advised as noted, they were successful in getting a grant from the Ohio Department of Transportation to construct new sidewalks, one on each side of SR83 between Kinzel Road northward over French Creek. He said it includes two new pedestrian bridges, one on each side of SR83 over French Creek. Mr. Cummins stated they would like to engage with an engineering company to design those bridges. He advised they put together a quality-based selection process and advertised for the need for the services through ODOT’s portal and had two respondents. Mr. Cummins said a group of City staff including Safety/Service Director Streater and Utilities Superintendent Bruce assisted him and another CVE staff member in evaluating the qualifications and they selected LJB Engineering as the most qualified to perform the work. He stated they solicited a contract from them to provide the services and that is what is before Council now for ratification. Mr. Cummins advised he believes there are some ongoing discussions with the Law Director and their legal counsel for some of the final details of the contract, but he understands that it is on its way to being worked out and finalized.

14. REPORTS AND COMMENTS

MAYOR JENSEN reported that it was a great Tree Lighting Festival this past Saturday, December 2, 2023. He advised it was a lot of work putting it together for a lot of people. Mayor Jensen said he is grateful to and for the French Creek Foundation who partners with the City to host this event, but also he is grateful for the City employees who spent a lot of time and effort to get to this point. He stated the event went off without a hitch and they have a lot of great ideas for next year. Mayor Jensen advised he believes the attendance was the most they have ever had for this event.

Mayor Jensen said as Council drives around the City they will notice that the holiday lights are all up and running. He stated residents can also drive around the Aquatic Facility area and Every Child’s Playground area to see the holiday light show that was installed by the City Parks Department.

Mayor Jensen advised the new signage is up at the Police/Fire Stations and the Post Office and the entrance to Every Child’s Playground. He said most all of it is operational, but they were still working on putting some messages up on the new electronic message boards. Mayor Jensen stated the old signs for the Police and Fire Stations are now down so people can drive up without worrying about being able to see if someone is on the sidewalk before turning in. He advised the message boards at both the Police Station and the Post Office will be able to be used to get information out whether it is general information or events or an urgent message. Mayor Jensen stated the Police Department will be in charge of operating the messages and they could include things such as traffic detours or waterline breaks and the like. He advised the Park Department will get messages out of less urgency such as programs and events to let residents know what is going on.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised the Tree Lighting Festival was fantastic. She said she and her family attended and she thanked everyone for their hard work in preparing for that event.

Mrs. Demaline said the signage looks great around town, nicely done.

MRS. HOLTZMEIER, AT LARGE inquired regarding agenda item #7 regarding the grant award with the State Capital Budget if the Finance Department expects that remittance in 2024 or 2023.

Mr. Presley advised unfortunately not until 2024 which is why prior they did not advance funds to cover this \$400,000 into that Traxler Fund. He said once the grant monies are received, they will reverse that advance.

Mrs. Holtzmeier asked if there was any guidance as to when in 2024, first quarter or second quarter.

Mr. Presley advised from the communications he has had with the person involved he believes it will be the first quarter.

Mrs. Holtzmeier said there was some interesting weather last week that came at a most inopportune time as Mother Nature decided to have a little fun that morning. She stated she does not know if Mr. Streater wanted to speak to that, but she wanted to share that as a resident it is appreciated that our City crews are out clearing the streets of snow. Mrs. Holtzmeier advised when someone is critical of that she looked at her own security cameras and saw sure enough the snowplow trucks were quietly up and down her own street that early morning and the work was being done. She said she wanted Mr. Streater to share with the crews that the work they do is seen and appreciated.

Mr. Streater thanked Mrs. Holtzmeier and said he would pass along her comments. He advised the timing of that snow fall could not have been worse for morning commuters as 6:10 am was not an opportune time for that kind of snowfall and to trying to keep up with it. Mr. Streater said those crews work very hard and take it personally to make sure the roads are safe for the community.

MR. MCBRIDE, WARD 2 advised it was a great Tree Lighting event and it looked to be very well attended. He said there was an excellent Santa at the Police Station, and the Police Department did a great job encouraging anyone who came to see Santa to sit in one of the Police cruisers. A good time was had by all! He stated it was an excellent event.

Mr. McBride advised the new signs look awesome and the new location farther back off the street was a definite improvement. He said things are looking good in Avon.

Mr. McBride gave kudos to the Street Department for their work as those early morning snowstorms are always lousy timing just before rush hour. He said no matter which way the decision is made for when the crews should come in is a no-win situation. Mr. McBride stated they were on top of the situation quickly and he thanked them.

MR. MOORE, WARD 3 said the Tree Lighting Festival was awesome and it seems as if it gets bigger and better each year. He stated he also wanted to give a shout out to the French Creek Foundation for all their work on this event.

Mr. Moore advised he was going to be absent next Monday, December 11, 2023 and Mrs. Holtzmeier has indicated that would be her last meeting so he wanted to go on record and say thank you to her for her years of service. He said he appreciates everything she has done for the City. He is coming up on his sixth year in office on City Council and she helped him "learn the ropes" and the whole process as an elected official. Mr. Moore stated the City should be grateful and honored for all the work she has done for the City. He advised this is not an easy job and he knows she has put in a lot of time. Mr. Moore said he wanted to thank her sincerely for her wisdom, her help, her dedication and leadership with the City and he appreciates it. He stated she will be missed, and he asked her to please stop in and see them.

MR. RADCLIFFE, WARD 4 said he seconds all the positive comments about the crews cleaning the streets and the Tree Lighting Festival. He advised as the event continues to grow and have more people come to the festivities and working with the French Creek Foundation, the City and Council need to continue to support it and get the resources to them to continue let this to be such a positive event for the City.

Mr. Radcliffe advised he would also be absent next week, and he thanked Mrs. Holtzmeier for her service and said she would be missed.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE advised it was a great Tree Lighting Festival. He said it was very well attended and everyone did a great job.

Mr. Fischer said he also wanted to give a shoutout to the Streets Department that were out picking up leaves in his neighborhood. He asked how long the leaf pickup would continue.

Mr. Streator stated they would continue picking up leaves for the next couple weeks. He said they did not have a specific end date; it depends upon how many leaves still need collected. Mr. Streator advised they will be monitoring that situation and get information out through the City website and social media in plenty of time before that service ends for the season.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR advised the Tree Lighting was really nice and very well put together with the best Santa ever!

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR reported that in the month of November, the Fire Department had 287 ambulance calls and 59 fire calls. He advised that is the average for this same time last year, but the overall calls were up for the year.

AUDIENCE:

Gerald W. Phillips of 461 Windward Way, Avon Lake said on August 14th he was at an Avon Council Meeting and presented to Mr. Gasior a Taxpayer Demand to correct the twenty-three-year-old oversight by Carnegie Management Corporation and their failure to install sidewalks on the west side of Lear Nagel Road where the creek is located and as it goes down to Mills Road and then down Mills Road. He said subsequently Mr. Gasior emailed him saying he needed some time to respond and that it would be after Labor Day. Mr. Phillips stated at the meeting after Labor Day, which was Tuesday, September 5, 2023, Mr. Gasior acknowledged that yes, Carnegie has not installed the sidewalks on the west side pursuant to their Special Use Permit, which is Ordinance No. 54-99 issued on May 10, 1999. He advised at that time Mr. Gasior indicated that this was something that could be addressed when the 2024 Sidewalk Program would occur. Mr. Phillips said subsequently, Mr. Gasior decided to hire outside counsel to respond after he responded but the problem is that Mr. Gasior does not know what the Avon Charter states because Article V, Section 2 requires Council to approve outside counsel. He stated Mr. Gasior took it upon himself and basically violated the City Charter.

Mr. Phillips advised Barbara Brooks, Clerk of Council, gave him the audio recording of the Service Committee Meeting which went over the 2024 Sidewalk Program and Mrs. Demaline did an excellent job of going over the program and asked a lot of people about areas that needed to be addressed. He said unfortunately, nothing in that hour and ten minutes audio said anything about Carnegie Management Corporation and those sidewalks that are twenty-three years out of compliance, and he felt that was kind of shocking as he was hoping that they would be addressed. Mr. Phillips stated he held off on doing anything because he relied on Mr. Gasior's statement that it would be addressed in the 2024 Sidewalk Program, but he guessed he was wrong. He advised he was also kind of upset that Council Member McBride who has always been a critic of Carnegie and the sidewalks did not say one thing about the fact that those sidewalks are not going to be put in under the 2024 program. Mr. Phillips said equally shocking is Council Member Radcliffe said nothing, and this property is in his Ward. He stated he believes Mr. Gasior was at that meeting and he did not say anything either. Mr. Phillips

advised he is hoping that was just an oversight and that it gets put on the 2024 sidewalk improvement list. He said if it does not, the City will be sued and will force Carnegie to comply. Mr. Phillips asked why the City keeps on backing Carnegie and why does the City go out of its way to incur legal fees on behalf of Carnegie and why does the City "carry their water" and why the favoritism. He said this is not the first favoritism as it is shocking, and he cannot believe that they get away with it. Mr. Phillips stated obviously Mr. Gasior's word that it would be on the 2024 program is worth nothing. He advised he hopes Mrs. Demaline, when she calls the next Service Committee Meeting on the sidewalks, brings that up.

Mr. Gasior asked to make a brief response. He advised the City's 2024 Sidewalk Program has not been finalized and there is going to be another meeting scheduled probably after the first of the year and he believes that was stated in the Service Committee Meeting. Mr. Gasior said that he did not mention the sidewalk in question at that particular meeting and he is surprised that Mr. Phillips did not remind him prior to that meeting because he knows it is a big concern of his for the last four months. He stated Mr. Phillips is always welcome to send him an email to remind him of some of these things in case he should have an oversight as he is always willing to take an email from him. Mr. Gasior advised Mr. Phillips to keep that in mind that he can always send him an email if there is a concern of his and they would be happy to present it in front of Council.

15. ADJOURN: 8:03 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