

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, JANUARY 6, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 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; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

1. [ORDINANCE NO. 1-20](#) – GRANTING A SPECIAL USE PERMIT TO NWQ JAYCOX/I-90 LLC, TO AUTHORIZE THEIR TENANT, ANCHOR DEVELOPMENT-PANERA RESTAURANT, TO CONSTRUCT A 4,523 SQ FT RESTAURANT/DRIVE THRU TO INCLUDE AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35680 CHESTER ROAD Planning Commission Referral

Ms. Fechter advised Panera Restaurant is adding a location on Chester Road, east of Menards. They have been through the Planning Commission approval process and according to the City’s Codified Ordinances, any establishment having a patio or a drive-thru is required to get a Special Use Permit. She said all members of the Planning Commission voted in favor of a 20-seat patio to be located on the southwest corner of the restaurant. Ms. Fechter noted there would be no live music on the outside, but streamed music from the inside and the hours of operation are 6:00 am to 9:30 p.m.

2. [ORDINANCE NO. 2-20](#) – TO AMEND A SPECIAL USE PERMIT GRANTED TO FRENCH CREEK SQUARE, II, LLC AUTHORIZING A CHANGE IN OWNERSHIP TO MARGARET KENYON ELLIOTT FOR PROPERTY LOCATED AT 36200 DETROIT ROAD Planning Commission Referral

Ms. Fechter advised this is simply a change in ownership and Chase Bank will still operate as Chase Bank. She said currently it is owned by French Creek Square II, LLC and there is a private individual purchasing the land. The property is still in the French Creek Shopping Center and will still be managed by French Creek, but Ms. Elliott out of California will be the property owner.

3. [ORDINANCE NO. 3-20](#) – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT TO INCLUDE THE CONSTRUCTION OF A PERFORMING ARTS CENTER LOCATED ON THE AVON HIGH SCHOOL CAMPUS AT 37545 DETROIT ROAD Planning Commission Referral

Ms. Fechter advised this is a Special Use for the schools to amend their current Special Use Permit to include the proposed Performing Arts Center (PAC). She mentioned representatives from the Avon Local School District as well as the architectural firm for the project were present to answer any questions.

Mr. Radcliffe asked if the school was already granted a Special Use Permit.

Ms. Fechter confirmed they do have a Special Use Permit, and it was being requested to be amended to include the addition of a Performing Arts Center. She explained once an expansion outside the footprint is requested, they must come back to amend their Special Use Permit. Ms. Fechter invited Mr. Fishleigh to the podium to talk about the project

Mr. Bill Fishleigh, Director of Operations, Avon Local Schools, pointed out that the new entrance to the proposed performing arts center could be seen from the depiction displayed on the screen. It was noted the new entrance to the PAC faces the northwest side of the high school toward the Methodist Church with the new main entrance to the high school being to the right of the PAC entrance. In that way, the main entrance would now face the larger parking lot. He said the addition will house a 1600 seat Performing Arts Center and there will also be

expansion to the high school commons to deal with the overflow and there will be some renovations to the kitchen area and the serving area to accommodate the larger size of the school that was built in 1998.

Mr. McBride asked if the footprint of the kitchen was expanding.

Mr. Fishleigh answered yes and said that currently the serving area would be expanded. He stated the current community room would be the new kitchen area and the current kitchen would be the serving area and there would also be added storage.

Mr. McBride asked if the parking lot was being expanded.

Mr. Fishleigh advised yes, they could see on the drawing the new gray area because with the addition, there would be some parking spots lost so there will be a net gain of 25 new parking spaces.

Ms. Fechter confirmed there is a total of 820 parking spaces.

Mr. Fishleigh confirmed the area to the south side of the school that used to be a stone lot is now an asphalt lot and an asphalt drive in answer to a question from Mr. McBride.

Mr. McBride asked Mr. Cummins if he has looked at all the stormwater calculations.

Mr. Cummins advised any area that is being revised will require stormwater management calculations to reflect the current conditions.

Ms. Fechter advised normally when requesting a Special Use Permit, the applicant would also come in with their final development plan. She said it was discussed in Planning Commission that the School District is a Political Subdivision and out of respect is coming in to the City to amend their Special Use Permit. Ms. Fechter added the School wanted to make sure they received that amendment before they came in with their final full set of drawings so they will be in front of Planning with that request in the near future.

Mr. McBride asked if there would be a traffic study that goes along with that plan.

Ms. Fechter advised they have had a number of conversations about traffic and they are having conversations about a traffic study or other thoughts as to what would need to be done in the future.

Mr. McBride advised it looked as if they were now pushing back the traffic flow to Hunters Trail.

Mr. Fishleigh stated they do not anticipate any addition to traffic on Hunters Trail.

Mr. McBride stated there was never supposed to be traffic on Hunters Trail from the school.

Mr. Fishleigh said he could not speak to that as that was before his time. He said a gate has been added at that location to help alleviate traffic through that area.

Mr. Butkowski said regarding the traffic and the location of the Performing Arts Center on the north side of the school building, he felt it was eradicating that drive to help move traffic through that area. He asked if the school has looked at ways they could improve the flow of traffic around that area especially now that they would be adding a lot more people coming onto the school property with a large Performing Arts Center and dumping that traffic back out onto Detroit Road. Mr. Butkowski asked how they could get motorists in and out easier onto Detroit Road.

Mr. Fishleigh advised they have looked at different options with the architectural firm and what they plan on currently for arrival and dismissal, which is when most people come in and out of the building, is to loop traffic

around. He indicated it was about behavior modification and said they plan to loop the traffic around the big lot coming out in front for pick up and exit.

Mrs. Holtzmeier asked as to what the pattern would be for the traffic coming in from Hunters Trail for pickup.

Mr. Fishleigh advised that traffic would remain the same.

Mrs. Holtzmeier advised received its first Special Use in 1996 and the building was constructed in 1998 according to the Ordinance. She said the history indicated there have been a few tweaks to the Special Use Permit that is in a Residential Zone and she asked when the last traffic study was completed.

Ms. Fechter stated she is not sure a traffic study was ever done.

Mrs. Holtzmeier said back in 1998, Avon's population was approximately 11,000 and 22 years later the population is at about 23,500 and there is a lot more traffic. She felt that there should definitely be a traffic study done as that is a lot of traffic going out onto Detroit Road or a residential street that was not necessarily constructed with that in mind. Mrs. Holtzmeier felt it would be interesting to see what a traffic study would reveal and to provide a legitimate secondary exit and entrance to the school as they were trying to get the traffic off Detroit Road.

Mr. Butkowski asked if school officials have had any conversations with regards to doing a traffic study. He said there has been discussion over the years back and forth about taking the roadway all the way out and meeting up with Kinzel Road where that traffic light is located.

Mr. Fishleigh stated there have been so many discussions but added that the school does not own all the way through to that area. He believes they only have a path to Kinzel and he felt they were probably going to have to get creative.

Mr. Butkowski said he was not sure if the path would have to be a dedicated roadway for the school to use it as access.

Mr. Cummins advised they would probably be pretty close to a normal right of way width by the time everything was said and done; and the roadway was probably going to be at least 28' or 30' wide. He said there would be some drainage and some lighting, so the footprint was probably going to be close to 50' to 60' width.

Mr. Butkowski stated it would be nice to have another way to get over there as that is a natural access point with the light on Kinzel Road.

Mr. Fishleigh agreed and said the Board of Education has talked about that and the School Board has the same concerns as City Council, and they have talked about a lot of different options with that north area. He said the new Performing Arts Center, in his opinion, will be for performances and the daily 1500 students coming in and out of school was not going to change. Mr. Fishleigh stated with this project they have planned some improvements.

Mrs. Holtzmeier felt they all agree that the traffic study is germane and really is the next step.

Mr. Fishleigh advised they have a proposal for a traffic study.

Ms. Fechter stated there will be a meeting in the next week or so with Mr. Laub, Superintendent of the Schools, and Mr. Fishleigh and Mayor Jensen and herself to discuss those items.

Mrs. Holtzmeier said she felt it would be appropriate for the legislation to reflect that so that it does not fall through the cracks since they were all on the same page and then see what a traffic study says and take advice from that point.

Mayor Jensen said back when the school was built was when there was still busing available and most likely a traffic study was never done because busing was in place at that time. Since that time the parking area has grown to meet the need and the reason the back portion of the property was blacktopped. The main concern with regards to traffic is because there is no longer busing and many of the students are driving themselves to school.

Mr. McBride pointed out it was discussed in the past, but no one wanted to deal with a traffic study because of the cost.

Mrs. Holtzmeier stated sometimes a new footprint gives the opportunity to fix what was overlooked previously.

4. ORDINANCE NO. 4-20 – GRANTING A SPECIAL USE PERMIT TO THE CITY OF AVON FOR THE WILBUR CAHOON HOUSE TO INCLUDE INSTALLATION OF A FENCE, FUTURE PARKING LOT AND OBSERVATION DECK LOCATED AT 2940 STONEY RIDGE Planning Commission Referral

Ms. Fechter advised as Council knows, the City recently purchased the Wilbur Cahoon House and as it is now part of City property, it is required to have a Special Use Permit so that those in the vicinity of the property know what the property is being used for. She said they are working to add a parking lot to the south side of the property. They are also looking to do some maintenance and add an observation deck and fence.

5. ORDINANCE NO. 5-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,020,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING RECREATIONAL FACILITIES IMPROVEMENT GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2011 (YMCA PROJECT), DATED MAY 10, 2011 Mr. Logan

First of Three Readings at the Regular Meeting on Monday, January 13, 2020

Mr. Logan advised these next five items (Ord. Nos. 5-20, 6-20, 7-20, 8-20 and 9-20) on the agenda are to do with the possibility of doing a taxable advance refunding of quite a bit of the City's outstanding debt. The 2011, 2012A, 2012B series was mainly centered around the Nagel Road Interchange, but there were additional projects as well. The 2013 and 2014 series was discussed briefly at the budget meetings back in November as it has been a real savings concept that a lot of public entities have taken advantage of. The Tax Reform Act of 2017 did away with the advance refunding of tax-exempt bonds. These would be taxable bonds, if they were to refund them, reissue the bonds and save about one percent off the average rates right now. With current interest rates, if this were to be done tomorrow, they would save approximately \$2.5 million over the life of these bonds, which is a little over \$120,000 each year going through the maturity of the final set of bonds in 2039. These five Ordinances were structured this way so that when the time comes to pull the trigger within the next six to eight weeks, they can pick and choose what issues they want to refund. Mr. Logan stated he emailed Council earlier that day a simple one-page sheet to show what those savings are on each of these five issues. Ord. Nos. 6-20 and 7-20, which pertain to the series 2012 A & B bonds, do not generate quite as much savings as they were a savings of a little under one percent. The other three issues with Ord. No. 5-20, 8-20 and 9-20 as a whole and they were still saving around \$2 million and generating well over six percent savings on the debt. He said they can pick and choose the issues and if they wanted to get more detailed, they could pick and choose different maturity dates. The "do not exceed" amounts that are listed in each Ordinance and these would be taxable bonds to the investor, which means very little to the City as the issuer and the recordkeeping was a little bit less than on tax-exempt bonds. He said it makes a lot of sense to do this; if they wait until the call dates on these bonds, they could refund them at that time as tax-exempt bonds with the first call date being 12-1-2020, but on that series 2011, the others all have a call date of 12-1-2021, which is almost 2 years from now. Mr. Logan indicated they do not have any way of knowing the interest rates two years from today and he said he was of the opinion that they should take advantage of where these interest rates are today and do this refunding. He mentioned the bond counsel for this advance refunding is Squires Patton Boggs out of Cleveland and they do a lot of municipal finance and bond counsel type of work and are very widely respected. Mr. Logan advised they have met with

this firm a couple of times and look forward to working with them on this refunding. If they proceed with this, the City will be issuing an official statement that comes out with the new bond issue. He stated they will then go out for a credit rating with Moody's and hopefully convince them that they should provide us a little uptick as we finished the year strong and he feels good that Moody's might take that into consideration. Mr. Logan said he would like the legislation to go through three readings and then try to schedule some time in February or March to sell these bonds.

Mr. McBride inquired as to how this works structurally. He asked if the same investors remain.

Mr. Logan said they remain through the call date; whoever owns the bonds now still owns the bonds through that call date, but beyond the call dates, after 12-1-2021, they were fair game for any new investors with much lower interest rates at which they would be issued. He explained this is an advance refunding, doing it in advance of those call dates.

Mr. McBride asked if they were going to go from tax-exempt for the investor to taxable.

Mr. Logan said yes, for the maturities after that call date. He explained when the bonds were issued there was always, as with almost any State of Ohio municipal bond, a ten-year call provision. So those investors know that those bonds could be called in ten years. The City has the same thing happen as they have invested in notes and Federal agencies of City investments although those cannot go beyond five years as the City's investment policy does not allow that nor does the State of Ohio. The City has investments that are a two-year note, but they are callable in one-year and generally they are called.

Mr. McBride stated the bonds are non-taxable now and if they "pull the trigger" they now become taxable bonds.

Mr. Logan said yes, to the new investors but the current investors are going to have their investment called if they own maturities that go beyond 2021. The City was basically pulling back as the City has a right to do and reselling them. Mr. Logan noted those same investors may buy again at a lower interest rate and the interest on those bonds would be taxable income to those investors.

Mrs. Holtzmeier asked regarding the timing since 2020 is a Presidential election year if these bonds are refunded in the first quarter of 2020 when do they think they might go out to get a new bond rating.

Mr. Logan advised they will do that before they sell the bonds, which is very soon. All these bond issues (Series 2011, 2012A, 2012B, 2013 and 2014) total a little over \$35,000,000 of outstanding principal.

6. [ORDINANCE NO. 6-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$8,345,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2012A, DATED JUNE 28, 2012](#) Mr. Logan
First of Three Readings at the Regular Meeting on Monday, January 13, 2020

See discussion in agenda item #5.

7. [ORDINANCE NO. 7-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \\$8,900,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION \(LIMITED TAX\) BONDS, SERIES 2012B, DATED JULY 18, 2012](#) Mr. Logan
First of Three Readings at the Regular Meeting on Monday, January 13, 2020

See discussion in agenda item #5.

8. ORDINANCE NO. 8-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$12,875,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY’S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2013, DATED JUNE 26, 2013 Mr. Logan
First of Three Readings at the Regular Meeting on Monday, January 13, 2020

See discussion in agenda item #5.

9. ORDINANCE NO. 9-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY’S OUTSTANDING NAGEL ROAD INTERCHANGE GENERAL OBLIGATION BONDS (LIMITED TAX), SERIES 2014, DATED JUNE 18, 2014 Mr. Logan
First of Three Readings at the Regular Meeting on Monday, January 13, 2020

See discussion in agenda item #5.

10. ORDINANCE NO. 10-20 – TO ACCEPT IMPROVEMENTS IN MCINTOSH FARMS SUBDIVISION NO. 2 Mr. Farmer

Mr. Farmer advised they are working through some details right now to try and get this subdivision accepted. He believes most of the financials are received with a small outstanding utility invoice that the developer is aware he owes.

Mayor Jensen updated Council that there have been some issues with the developer, Mr. Batt, on Woodland Trail. He said the City has reached out to the Homeowners Association and is working on coming to some sort of agreement or they may let it go three readings to allow time if necessary. Mayor Jensen said Mr. Batt has verbally agreed and they are hopeful things will get resolved.

Mr. Cummins advised they have prepared a plan to make some changes to that area off Woodland Trail and he will be meeting with a representative of the HOA later this week to review that plan. He said he would also be meeting with Mr. Batt presumably some time this week to work toward that agreement. The wheels are in motion and he was hopeful they could get everyone on the same page within a short time period.

Mr. Gasior mentioned that Mr. Batt informed him and the Mayor that he was going to be out of town tonight, but that he plans to attend next Monday night’s meeting.

11. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE advised over the holiday season with the children home from school and the unseasonably warm weather, she received a couple of phone calls from some parents and residents around the Northgate area who are concerned. There seems to have been some efforts to place broken glass and other items intentionally all around the playground area so that it would intentionally cause harm to those in the park/playground area. She asked those residents to document the incident and contact the police. Mrs. Holtzmeier said she is following up as well as asking what kind of video surveillance is installed in the City parks.

Mayor Jensen advised they have video surveillance in some of the parks, but there is none currently in Northgate Park. He stated there were police reports made and the Grounds Manager was sent out to look at the

area and there was never anything found. Mayor Jensen said the report was there was a lot of broken glass hidden underneath the mulch and the parks employees raked the entire mulch area and did not find any broken glass and the police did not find any trace of glass in that area. He advised there is now a watch group keeping an eye on the Northgate Park area that are working together and the police are going to talk with them. The Mayor said there have been a lot of reports of suspicious conditions and police have been patrolling the area quite a bit, but nothing malicious has been found at this point. He said more surveillance cameras are in the budget and that is one of the parks where they are looking to add that extra level of security, but there are some layout issues with the electric and a pole will most likely need to be installed.

Mrs. Holtzmeier stated that she asked the residents to document anything suspicious they see and hopefully it stops. She was glad to hear there would be cameras installed.

MR. MCBRIDE, WARD 2 advised driving on Jaycox Road at Middleton Road he noticed the traffic light was still not activated.

Mayor Jensen mentioned the light would be activated this Wednesday.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE thanked Mr. Witherspoon for his previous tenure as Council President. He said he is looking forward to working with all of City Council and Mayor Jensen and the City Administration moving forward.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR commended Mr. Fischer on conducting the meeting tonight.

MR. LOGAN, FINANCE DIRECTOR had no comments.

AUDIENCE: No comments were made from the audience members.

12. ADJOURN: 8:01 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