

**PUBLIC HEARINGS
AVON CITY COUNCIL
MONDAY, JANUARY 11, 2021**

7:10 P.M. – Council President Brian Fischer opened the Public Hearing for Ordinance No. 110-20.

ORDINANCE NO. 110-20 – TO AMEND AVON CODIFIED ORDINANCE SECTION 1246.05(a)(2)(A), SECTION 1248.04(f) AND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCREASE THE WIDTH OF RESIDENTIAL SIDEWALKS FROM FOUR TO FIVE FEET IN R-1, SINGLE FAMILY AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS

There being no comments, the Public Hearing for Ordinance No. 110-20 was closed at 7:11 p.m.

7:15 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 111-20.

ORDINANCE NO. 111-20 – TO AMEND SECTION 1246.04(b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON AS IT PERTAINS TO THE MAXIMUM LENGTH OF A TEMPORARY DEAD END STREET

There being no comments, the Public Hearing for Ordinance No. 111-20 was closed at 7:16 p.m.

7:20 P.M. – Council President Fischer opened the Public Hearing for Ordinance No. 112-20.

ORDINANCE NO. 112-20 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

There being no comments, the Public Hearing for Ordinance No. 112-20 was closed at 7:21 p.m.

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, JANUARY 11, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:21 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;; Service Director – Mike Farmer; Law Director – John Gasior; Finance Director – William Logan; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: City Engineer – Ryan Cummins; Economic Development Coordinator – Pam Fechter

AUDIENCE:

President Fischer invited an audience member to the podium to provide public comments.

Mr. Matt Kuhns of 37813 Quail Hollow Drive said he wanted to come before City Council and inquire about the internet situation in Avon. He advised they all know there is really only one option in Avon for internet and there are several residents that he has talked with that are curious on the status of the getting more options for internet in Avon especially nowadays where internet is so important and surrounding communities have access to competitive internet.

Mayor Jensen advised Wow! was supposed to come into Avon awhile ago. He said at first Wow! was putting the infrastructure in Avon Lake and then the City was told they would then be coming into Avon but Wow! went over to Sheffield Lake and then toward Lorain and the City Administration has reached out to other internet providers. Mayor Jensen stated there are currently only two options available in Avon: CenturyLink and Spectrum. He said Wow! was the one they all thought was going to be the main one in Avon. Mayor Jensen advised Wow! is currently

in North Ridgeville and the City Administration has asked if they are going to come to Avon next and what they are told is that the cost to put the infrastructure in is too high because these providers do not share the same lines like Columbia Gas shares their lines with other suppliers. He explained the City is not holding any internet providers back from coming to Avon but installing the infrastructure for each residential property is cost prohibitive. Mayor Jensen stated he was told it is approximately \$5,000 per household to install the infrastructure and with 5G on the horizon there is not a lot of interest of other internet providers coming into Avon. He advised if anyone has any suggestions of providers the City can reach out to, his office would be happy to contact them. Mayor Jensen indicated they noticed cable was being run down Stoney Ridge Road and the City inquired as to who it was and they were told Wow! and they thought they would connect in some of the adjoining neighborhoods and the City was told that there was no interest in doing that.

Mr. Kuhns thanked Council and the Mayor for their time.

1. [ORDINANCE NO. 110-20](#) - TO AMEND THE AVON CODIFIED ORDINANCE SECTION 1246.05(a)(2)(A), SECTION 1248.04(f) AND THE CITY OF AVON STANDARD CONSTRUCTION DRAWINGS TO INCREASE THE WIDTH OF RESIDENTIAL SIDEWALKS FROM FOUR TO FIVE FEET IN R-1, SINGLE FAMILY AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS Planning Referrals
Third of Three Readings at the Regular Meeting Immediately Following this Work Session

There were no comments or questions.

2. [ORDINANCE NO. 111-20](#) – TO AMEND SECTION 1246.04(b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON AS IT PERTAINS TO THE MAXIMUM LENGTH OF A TEMPORARY DEAD END STREET Planning Referral
Third of Three Readings at the Regular Meeting Immediately Following this Work Session

There were no comments or questions.

3. [ORDINANCE NO. 112-20](#) – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS Planning Referral
Third of Three Readings at the Regular Meeting Immediately Following this Work Session

Mr. Gasior advised there was some discussion at the last meeting about whether or not there was an adequate size proposed for these condominium units and then some other issues came up such as how they compare with the storage rentals already in the Code as those have a 550 square foot maximum. He said when looking at this more closely he felt it would be best if Council tabled this Ordinance until the meeting on January 25, 2021 and then if Council chooses they could schedule a Legal Committee meeting before that meeting on the 25th as the Planning Coordinator should be back in the office and there may be a little bit more food for thought as they discuss it.

Mr. Fischer reminded Council there was a Legal Committee Meeting scheduled that had to be canceled. He said he would get together with Mr. McBride to reschedule that Legal Committee Meeting.

Mr. McBride agreed they needed to get that meeting rescheduled and he learned of another resident looking for storage with indoor heating preferred. His guess was that they have enough demand in Avon for people purchasing indoor these storage units.

4. [ORDINANCE NO. 1-21](#) – TO EXTEND PORTIONS OF SECTION III OF THE EMERGENCY PAID SICK LEAVE ACT, PART OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT Mayor Jensen

Mayor Jensen advised he is asking Council to extend the emergency paid sick leave portion of the CARES Act because some of the City's first responders are becoming sick with the COVID virus and he would like to make

certain they are covered for two weeks of paid sick time off during that period. He said the vaccine has just started coming out and most of the Avon firemen have received the vaccine, but the Police Department have not received the vaccine yet or the rest of the City staff. Mayor Jensen explained in 2020, several employees were able to use the emergency paid sick leave equal to the number of hours worked over a two week period, but there are still a lot of employees who have not tested positive for the virus yet and he is asking for that paid sick leave to be extended through the end of March 2021. He stated they could reevaluate the policy at the end of March if necessary.

Mr. Streator advised currently there are two staff members in the Fire Department that have tested positive for COVID and there are also three other employees in the City that are currently on leave for COVID. He said this Ordinance will extend the paid sick leave time frame and it does not change the total amount of hours paid per employee noting that if an employee has already used this benefit then they are not eligible during this extension. Mr. Streator stated they are hoping they can get everyone the opportunity to be vaccinated by March and then make additional decisions beyond March if necessary.

Mayor Jensen advised the hours provided employees for emergency paid sick leave is being tracked and if any more funds should be granted to the City from the CARES Act that the City can apply for reimbursement.

5. ORDINANCE NO. 2-21 – PLACING A MORATORIUM ON THE OPERATION OF ANY SHORT TERM RESIDENTIAL REAL ESTATE RENTALS IN THE CITY OF AVON Mr. Gasior

Mr. Gasior advised there was a complaint about an AirBnB operating in the Camelot Subdivision and in discussing this issue with the Mayor and a couple of Council Members it was noted there are no regulations in the Code currently to deal with these short-term rentals. He said these short-term rentals are probably going to be the thing of the future and he felt the biggest experience would have been during the Republican Convention in 2016 when there were a number of people renting their homes out for a week to delegates. Mr. Gasior stated this is something that is out there and there are advertisements for VRBO (vacation rental by owner) and AirBnB and probably many of them have used these services in vacation locations. He advised this caused a bit of a problem in this subdivision as the residents across the street were concerned about the number of vehicles going in and out and strangers. Mr. Gasior noted the new property owner took title around December 20th and with the holidays there was a lot of activity. He said this moratorium ordinance is designed to put this issue to bed for the next six months and give City Council and Planning Commission a chance to review legislation from other municipalities that have had to deal with this issue. Mr. Gasior pointed out that Bay Village was the most notable where there was a huge party last year or the year before and Bay Village City Council addressed the issue. He advised this is something they need time to look into and in the meantime he felt it appropriate for Council to consider calling for a moratorium. Mr. Gasior stated in Section One of the Ordinance it says the City would be placing a 180-day moratorium on short-term residential real estate rentals within any residentially zoned district in the City of Avon and Mrs. Holtzmeier suggested further qualifying that sentence by adding “by a non-occupant owner”. He said the City does allow Bed and Breakfast establishments as a Special Use in a residential district, but those are obviously the owner occupying the house and renting out two or three rooms on a temporary basis and they provide breakfast and so on and so forth. Mr. Gasior advised what they were really trying to focus on and come up with appropriate regulations for situations where the non-occupant owner is leasing the property short-term and that is the situation that occurred in Camelot. He suggested that when Council acts on this Ordinance the words “by a non-occupant owner” be inserted. Mr. Gasior stated they may have to address specifics in the legislation when they come out of the moratorium, but he felt it was not that critical for them to address those in the moratorium. He felt by putting in the qualifying phrase, “by a non-occupant owner” at the end of the first sentence in Section One it would cover Mrs. Holtzmeier’s concern.

Mr. Butkowski advised the Camelot subdivision is located within his Ward and Mr. Gasior and the Mayor and himself and have discussed it with regards to this specific piece of property and he appreciates the added language of non-occupant owner as that cleans up and addresses the potential for an out of town owner to be doing this. He asked whether the property owner who has been operating in this manner prior to this legislation going into effect would be grandfathered.

Mr. Gasior advised he does not want to litigate this tonight, but he would be contacting that property owner to let him know about the legislation should it pass later tonight and that the City would like the activity to cease and desist until they have an opportunity to come out with regulations that govern this type of business. He said they are counting on that individual to comply.

Mr. Butkowski advised he would hope that calmer heads would prevail with that approach. He suggested they add something to the ordinance regarding operating such a business after the current tenant is out then this ordinance would go into effect. Mr. Butkowski believed there to be out of towners staying at the house currently.

Mr. Gasior stated he felt that was a good approach to take, in contacting the property owner and advising him that the current tenants could complete their stay but moving forward he would have to comply.

Mr. Butkowski confirmed the current tenants would be grandfathered but said any changes from the date of this legislation getting approved would not be in compliance. He asked if they should put something in the ordinance stating that so that it would be binding because he would like it to be crystal clear for anyone that might be operating in this way. Mr. Butkowski reiterated there would be no operating by renting properties for less than thirty days during this moratorium once a current tenant was gone while Council decides how to regulate it.

Mr. Gasior advised Section Two of the ordinance gives the City the language to say that this ordinance takes effect on the date of passage. He said he felt as a courtesy and to stay out of court they would be contacting that owner to let him know that once the current renters end their stay that he would be restricted and could not have anyone renting short-term unless the owner were to live there while renting a room. Mr. Gasior stated his hope is that the property owner will comply.

Mr. McBride felt Legal Committee should meet to discuss how they want to regulate these situations. He reminded Council that the Legal Committee has yet to meet to discuss parking issues that were brought to their attention earlier last year. Mr. McBride advised even if someone rents their house for two months or three months, he felt it needed to be clear that every car should be in the driveway at night. He said they should not get a bye simply by calling the Police Department to let them know they would like to park in the street for a month. Mr. McBride stated whatever ordinance they come up with, he felt they need to be very clear about some of those things. He felt it is one thing if you live there and there are ten people in your household and six people drive their own vehicles. Mr. McBride advised there are a lot of areas in Avon where all the vehicles do not fit in the driveway, but he felt they need to make other provisions for someone who is renting a property and they potentially want to be a little more restrictive. He said it is something to think about as they craft the ordinance and this issue moves forward.

Mr. Gasior advised there is a lot going on when delving into this area. He said he was going to get some ordinances from other communities out to all of Council to review so that they could read what other cities are doing. Mr. Gasior stated some cities have restricted the short-term rental to eight people and some to six people and that would correlate with the number of vehicles. He advised that probably there would need to be inspections done and there would probably be regulations for safety and that the structure meets fire safety codes and because it is a business it would be treated differently than a typical residential home. Mr. Gasior was sure they would be able to come up with some regulations that would not interfere with a Bed and Breakfast as a Special Use. He said they need to be prepared as they move into the future with these types of rentals.

Mr. McBride added that he would hope that the parking regulations would extend to the Bed and Breakfast also. Mr. Gasior clarified there are already regulations in the code about parking for Bed and Breakfast establishments.

Mr. Witherspoon advised he was not sure whether this is necessary to be pushed through right now. He felt it should be discussed at a Legal Committee meeting first. Mr. Witherspoon said there seems to be some questions as to what and how and so forth. He stated that Mr. Gasior mentioned to him regarding a bed tax possibility but he was not sure if there is a way to track it so there are a lot of things that are not nailed down yet. Mr. Witherspoon advised he felt it would be prudent to put the moratorium on now and go ahead and hold a Legal Committee meeting and iron out some of the details.

6. REPORTS AND COMMENTS

MAYOR JENSEN had no further comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 cheered, Go Bucks!

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 cheered, Go Bucks!

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER was absent.

MR. FARMER, SERVICE DIRECTOR had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR was absent.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. LOGAN, FINANCE DIRECTOR advised they sold notes yesterday for the Chester Road \$2,500,000.00 notes at a net interest cost of .349%. He said there were four bidders, all banks, and Key Bank was successful in taking the note. Mr. Logan stated this note will mature on January 21st and they will be rolling over that note for one more year. He said they will be selling the water revenue notes of \$1,650,000.00 on the 13th of January and he would update Council as to how that went at the next meeting.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE: There were no additional comments made from audience members.

7. ADJOURN: 7:45 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