

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 13, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

The Chairman, Council President Brian Fischer, called the meeting to order and led the Pledge of Allegiance.

PRESENT

Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large – Brian Fischer, Council President; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

APPOINTMENTS TO COMMITTEES OF COUNCIL

The President of Council announced the Committee Chairs and Members for a two-year term, from January 1, 2020 to December 31, 2021 as follows:

| ECONOMIC DEVELOPMENT | FINANCE – AUDIT | LEGAL |
|---|--|---|
| <i>Chair:</i> Tony Moore | <i>Chair:</i> Bob Butkowski | <i>Chair:</i> Dennis McBride |
| Bob Butkowski | Tammy Holtzmeier | Bob Butkowski |
| Tammy Holtzmeier | Dennis McBride | Brian Fischer |
| PARKS AND RECREATION | SAFETY | SERVICE |
| <i>Chair:</i> Craig Witherspoon | <i>Chair:</i> Tammy Holtzmeier | <i>Chair:</i> Scott Radcliffe |
| Tony Moore | Brian Fischer | Bob Butkowski |
| Scott Radcliffe | Scott Radcliffe | Craig Witherspoon |

APPOINTMENTS OF COUNCIL REPRESENTATIVES TO BOARDS AND COMMISSIONS

The President of Council announced Council Representatives for various boards and commissions for two-year terms, from January 1, 2020 to December 31, 2021 as follows:

1. ADA Review Board - Dennis McBride
2. French Creek Foundation – Tony Moore
3. Lorain County Community Alliance – Tammy Holtzmeier
4. Lorain County Office on Aging – Bob Butkowski
5. Senior Citizens’ Advisory Commission – Craig Witherspoon
6. Planning Commission – Scott Radcliffe

Mr. Fischer advised if any on Council could not serve in any capacity for which they were appointed to let him know. He mentioned the City website would be updated to reflect these appointments.

CORRESPONDENCE

Mayor Jensen reported that in December 2019 there were 232 calls for rescue and 55 calls for fire. The report would be made available in his office.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, DECEMBER 16, 2019

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, December 16, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 23, 2019

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, December 23, 2019, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

MINUTES OF THE ORGANIZATIONAL MEETING OF COUNCIL HELD THURSDAY, JANUARY 2, 2020

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Organizational Meeting of Council held Thursday, January 2, 2020, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.

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

The Clerk read Ordinance No. 1-20 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 1-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 1-20, and the discussion was:

Mr. McBride asked if there is adequate stacking for the planned drive-thru at this location. He asked as to the plan for the worst time anticipated.

Ms. Fechter advised they were given a variance for stacking. She stated Panera’s business model does not call for as many stacking spaces as the City requires. The overflow will be internal as there is a turn off Chester Road leading into their establishment and another left onto the business property. Any stacking overflow that would occur would flow into existing 7-15 parking spaces and not onto the roadway.

And the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed

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

The Clerk read Ordinance No. 2-20 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 2-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 2-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed

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

The Clerk read Ordinance No. 3-20 by title only, entitled:

AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE AVON LOCAL SCHOOL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF A PERFORMING ARTS CENTER LOCATED ON THE AVON HIGH SCHOOL CAMPUS AT 37545 DETROIT ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 3-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 3-20, and the discussion was:

Mr. Gasior advised there was a revision to Section 2, item 2 that the City will be covering the cost of a traffic study.

And the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed

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 TO BE LOCATED AT 2940 STONEY RIDGE

The Clerk read Ordinance No. 4-20 by title only, entitled:

AN ORDINANCE 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 TO BE LOCATED AT 2940 STONEY RIDGE ROAD AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 4-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 4-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed

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

The Clerk read Ordinance No. 5-20 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 5-20.

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

The Clerk read Ordinance No. 6-20 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 6-20.

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

The Clerk read Ordinance No. 7-20 by title only, entitled:

AN ORDINANCE 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 AND DECLARING AN EMERGENCY

The Chair declared this to be the first of three readings of Ordinance No. 7-20.

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

The Clerk read Ordinance No. 8-20 by title only, entitled:

**AN ORDINANCE 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
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 8-20.

Mr. Logan noted the original Ordinance had incorrect maximum maturity dates in the first two Whereas clauses and those have been corrected.

**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**

The Clerk read Ordinance No. 9-20 by title only, entitled:

**AN ORDINANCE 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
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 9-20.

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

The Clerk read Ordinance No. 10-20 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS
IN McINTOSH FARMS SUBDIVISION NO. 2
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 10-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 10-20, and the discussion was:

Mr. Cummins advised the developer for Orchard Trail Subdivision is the same developer for McIntosh Farms. He said there has been an area of Orchard Trail Phase 6 that has been at issue drainage wise. In preparation for this acceptance of McIntosh Farms Phase 2, the developer, the City and the HOA came together and devised a mechanism to address those concerns. The City put together a plan and has gone over that plan with the HOA and the developer. The developer has agreed to perform that plan and in the legislation before Council there are certain financial commitments that they are making, funds that the City will hold until that plan is completed within a defined time period of one year. That plan requires the HOA to secure right of entry agreements from the adjacent property owners so that some regrading can be done on the back 10' of their property to help things grade out better. The HOA will be spearheading that process to secure those right of entry agreements and basically give the final permission to do the plan as it is laid out. Mr. Cummins stated the developer and the HOA are onboard with the plan as it is prepared and with the financial commitment that the legislation tonight sets up creating a mechanism to see this through to an agreeable outcome.

Mr. McBride asked what if the HOA does not receive permission from the property owners to do the regrading on the property.

Mr. Cummins advised it is his understanding that the HOA has talked to a lot of the property owners already. He said it would depend on which property owners said, "no". If everyone said, "no" then the status quo will remain and that would be the end of it. If only one or two property owners were to not grant permission, there is the potential that the plans could be reworked somewhat to accommodate for that. Mr. Cummins stated as it stands now, they feel confident that the right of entries will be granted, and the plan will be implemented as it is laid out. Depending on how many of the property owners should not agree, they may be able to work around that and make some amount of improvements.

Ken Kalina of 39191 Hawthorne Drive who serves on the HOA Board of the Orchard Trail Subdivision, asked if there is something in writing from Mr. Batt, the developer, that says, "yes, he will do this".

Mr. Cummins advised that is within the legislation. There was a revision to the legislation since the Work Session last week. The legislation is what commits the holding of funds from the developer and requires the completion of work shown on the plan within the time period of one year.

Mr. Kalina asked if that meant the property owners in question on Orchard Trail are protected to which Mr. Cummins answered that is correct. Mr. Kalina thanked Mayor Jensen and Mr. Cummins and City Council and said that this has been a long time coming.

Mayor Jensen asked Mr. Kalina if he thought there would be difficulty in getting those homeowners to sign right of entry agreements.

Mr. Kalina said the people he has talked to are all in favor of it, but they are asking what if someone does not sign. He believes there are only seven properties involved and it seems as if all seven property owners would sign. Mr. Kalina advised they are trying to get an idea of the cost of the work from a landscaper as the property owners will have to do the final grade and are worried as to the cost for each 10' by 50' section. He said the HOA will be paying for it up front and the

property owners will have to reimburse the HOA for their strip of land to be graded. Mr. Kalina stated as long as the cost was not \$1,000 or \$500 for their strip of land, he believes they will sign.

Mr. McBride asked if Mr. Batt understands that while there are financial incentives built into the legislation that the City also has the precedent that they can decide to revoke that developer's agreement.

Mr. Cummins advised that is the mechanism to ensure the work to completion, but yes, they reviewed all those things with Mr. Batt in a meeting this afternoon. He said Mr. Batt had been working with Mr. Gasior in formulating the stipulations within the agreement. The agreement lays out that the work will be completed within one year and Mr. Batt has indicated he would like to have completion much quicker than that time frame. Mr. Cummins said if for some reason it is not completed within a year, the City per the legislation would be able to draw upon those funds and complete the work with an outside contractor.

Mr. Butkowski advised he knew there was some early discussions with regards to where that dirt would be coming from. He asked if the dirt would be coming from the adjacent subdivision being installed or would they be able to bring in dirt from outside that area.

Mr. Cummins said dirt can be brought in from anywhere, but what Mr. Batt indicated today is that the likely source of the material would be from the basements being dug from new homes right next door.

Mr. Batt confirmed that was the plan and Drees Homes committed to that as well.

Mr. McBride added that was assuming the soil is acceptable.

Mr. Cummins advised that discussion took place with the HOA that it was going to be basement material that would be brought over and put in place and then the HOA would be fine grading and seeding.

And vote was: Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chair declared the motion passed.

REPORTS AND COMMENTS

Mayor Jensen had no comments.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, reported he would be absent for next week's Work Session as he would be out of town for work. He advised he would like to set a Finance Committee Meeting to discuss the lease agreement with Blue Dog Baseball, LLC. The Finance Committee members agreed to set the meeting date and time for January 27, 2020 at 6:30 p.m. in the Caucus Room of City Hall.

Mrs. Holtzmeier, At Large, had no further comments.

Mr. McBride, Ward 2, advised he was glad to see the traffic light is now functioning at the intersection of Jaycox Road and Middleton Road. He said there are a lot of happy people about that light.

Mr. Moore, Ward 3, advised he spoke to a resident and they were sharing concerns about the trees that were removed on the corner of Jaycox Road and Mills Road. He understands it is private property but wonders if there is something that the City can do. Mr. Moore said he remembers a discussion regarding developments and tree preservation and new planting of trees and he asked if there is something that can be regulated for private property as well as developments as the City continues to grow and develop. He asked if there are regulations already in place regarding this issue.

Mr. Cummins advised it is true that the City currently does not have an Ordinance regulating the removal of trees on property and therefore there is not an Ordinance regulating the planting of trees. He believes it has been discussed a couple of times in the past and never really moved forward and maybe that is something that can come under consideration again.

Mr. Moore felt it was a good idea and could raise awareness and as we develop more to be mindful of keeping trees in the new developments as much as possible.

Mayor Jensen advised within the next couple of months, Arborist Rick Varga who lives in the City of Avon would like Council to consider some legislation and discuss what other cities have in place to protect trees as well as add them where needed. He said Mr. Varga has a lot of knowledge on the subject and Council can make the decision whether to move forward and to what degree with tree preservation and maintenance. Mayor Jensen indicated he would contact Mr. Varga as to his availability and determine if this issue should go before committee first.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, At Large, had no comments.

Mr. Fischer, At Large, reported the Council Meeting next week will be held on Tuesday, January 21, 2020 due to Martin Luther King, Jr. Day

DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no additional comments.

Mr. Farmer, Service Director, had no comments.

Ms. Fechter, Economic Development/Planning Coordinator, had no comments.

Mr. Gasior, Law Director, advised to Mr. Moore's point regarding trees, he believes there is something in the Code, but it pertains to residential development. He said they would be checking with Mr. Varga. Mr. Gasior asked if the property on the corner of Jaycox Road and Mills Road was zoned Industrial.

Ms. Fechter advised it is zoned R-1 with an M-1 overlay.

Mr. Gasior advised that is unusual, but with the M-1 overlay it creates an issue. He said it is something they will have to look at. Previously they looked at tree preservation and maintenance primarily with the idea of trying to preserve trees in residential developments. Mr. Gasior advised it becomes more problematic when dealing with commercial or industrial property.

Mr. Fischer advised Mr. Varga is very passionate about trees and it would be good to hear from him on this issue.

Mr. Logan, Finance Director, advised they sold the General Obligation Notes for the Chester Road Improvement. The notes were rolled over that will mature January 21st. They were sold at a competitive bid and there were seven bidders and Piper Sandler was awarded the notes at \$3,250,000. The City paid down or retired \$3,900,000 of notes. The notes were paid down by approximately \$650,000 and received an overall net yield of approximately 1.15%, which is very competitive in today's marketplace and these are one-year notes. He said they will account for these on January 22nd when they mature. This coming Wednesday \$3.9 million of the water notes will be sold and retiring the old notes. The water notes will be paid down by approximately \$1 million and he would update Council once those notes are sold.

AUDIENCE:

Mr. Romolo Debottis, who owns 37600 Detroit Road, asked on Ordinance No. 3-20 to amend the Special Use Permit for the school where the addition is being put on.

Mr. Fishleigh, Director of Operations, Avon Local Schools, advised the addition will be on the northwest corner of the property and the existing portion will be renovated. Mr. Fishleigh showed Mr. Debottis the addition on the proposed set of plans and explained the layout as they were looking at it.

Mr. Debottis asked about drainage for stormwater.

Mr. Cummins advised plans have not been submitted as of yet, but it would follow the existing drainage patterns that go to their detention basin on the school property to the north and then eventually into the storm sewer system down to the detention basin that is located on what is now part of Mr. Debottis' property.

Mr. Debottis requested an impact study be done on the stormwater. He said the final retention basin sits on his property and a study was done a couple of years ago that already says that the retention basin on his property is undersized for any more stormwater to be going into that retention basin. Mr. Debottis advised this looks like a pretty large addition and he would like to go on record as saying he would like an impact study done on the retention basin on his property before any construction is done to see how much more water is going to be flowing into that retention basin and if that retention basin can handle the additional flow from this addition to the school.

Mr. Cummins advised a lot of the area of the proposed development would already have been accounted for in the previous design. He said the City has already talked to the school/contractor and they will have to supply a stormwater management report/study of how the drainage system will work. Mr. Cummins reiterated they have been notified of that but said a good portion of the development would already have been considered impervious surface. He explained that means that area is already known to be improved and contributing to the drainage system already in place.

Mr. McBride added there is a portion of the footprint with the addition that is currently a large driveway and a small parking lot.

Mr. Cummins agreed and said they also had early discussions about the City's desire to implement some of the recommendations that were included in that report Mr. Debottis spoke of. He said the

school has not gotten to that point as of yet, but those items have been discussed and will be part of the final plan.

Mr. Debottis asked if there would be another study and another report.

Mr. Cummins advised yes, the school will have to do a stormwater management report associated with their proposed development.

Mr. Debottis asked if he would be notified of the results of that report.

Mayor Jensen advised Mr. Debottis could ask for it, but they can email him when it would be coming forward so that he could see it. He said, or Mr. Debottis could schedule a meeting with Mr. Cummins to go over the report.

Mr. Cummins advised it still has to come back before Planning Commission with their final site plans and then before City Council.

Mr. Debottis asked if the school will be adding additional parking.

Mr. Cummins said he believes they are taking some parking away, but then replacing it and adding other parking. He asked Mr. Fishleigh if he remembers the total offset for parking.

Mr. Fishleigh advised it would be a net of an additional 25 parking spaces.

Mr. Cummins explained that overall there would be an additional 25 parking spaces. He said where they plan to add the parking is in the southern part of the site and he believes that contributes to a separate drainage area from the area of Mr. Debottis' concern.

Mr. Debottis asked for confirmation that what Mr. Cummins was saying was that the additional parking spaces the water will drain behind the school.

Mr. Cummins advised that is correct.

Mayor Jensen invited Mr. Debottis to go over the stormwater report with Mr. Cummins once that is received and then he could attend any meetings for which this item would be on the agenda and he could ask any additional questions if necessary.

EXECUTIVE SESSION: 8:04 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Acquisition of Real Estate, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chair declared the motion passed.

RECONVENE: 8:12 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to Reconvene the Regular Meeting of Council, and the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chair declared the motion passed.

ORDINANCE NO. 11-20 – AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE NORTHEAST CORNER OF STONE RIVER DRIVE AND MILLS ROAD, (WEST OF 35396 MILLS ROAD), PERMANENT PARCEL NO. 04-00-013-000-141

The Clerk read Ordinance No. 11-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE NORTHEAST CORNER OF STONE RIVER DRIVE AND MILLS ROAD, (WEST OF 35396 MILLS ROAD), PERMANENT PARCEL NO. 04-00-013-000-141 AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 11-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 11-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chair declared the motion passed.

ADJOURN: 8:15 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to adjourn the Regular Meeting of Council, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 7 for and 0 against and the Chairman declared the motion passed.