

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 22, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:07 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; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT: 4th Ward - Scott Radcliffe

1. [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

A Public Hearing was held on Monday, January 11, 2021 at 7:20 p.m.
Third of Three Readings at the Regular Meeting Following this Work Session

Mr. Fischer advised the third of three readings was scheduled to be at the Regular Meeting following this Work Session, but with Council's approval they would be asking that it be removed from the agenda.

Mr. Gasior said considering the possible zoning change that was discussed at the Legal Committee Meeting that was held just before this Work Session, he suggested Council refer the matter back to the Planning Commission.

Mr. McBride felt that was a good idea so that there was some concurrent discussion.

Mr. Fischer stated there was no urgent need for this to be adopted and he did not see any problems with referring it back to the Planning Commission.

Mr. Gasior suggested Council could postpone the item indefinitely when it comes before Council on the Regular Meeting agenda for the third of three readings, which essentially kills the legislation. He said then Council could refer the whole matter back to the Planning Commission for consideration of the zoning change and some of the other ideas that were tossed about over the last six weeks.

Mr. McBride suggested they see what the Planning Commission wants to do with it first. He felt it could be a quick assessment based on what some other cities are doing that are relevant to Avon and how many of these units does the City want to allow. Mr. McBride said he thinks there is a larger discussion and he did not know if the Administration or others on Council want to entertain it, but if they are looking at regulating and allowing these larger storage units he wondered if they should start to limit mini self-storage units. He asked what was best for the City in the long run.

Mr. Gasior suggested when they get to the item in the Regular Meeting that they could either postpone it indefinitely or refer it back to the Planning Commission, but that was up to Council. He advised he personally felt if the Planning Commission is going to look at the zoning change issue that Ms. Holtzmeier raised in the Legal Committee meeting then the Ordinance may come back as two parts as there could be a zoning change Ordinance to amend the M-2 district as well as possible significant changes to the current legislation regarding the storage condominiums and that will necessitate a lengthy amendment on essentially the third of three readings. Mr. Gasior suggested they send it back to the Planning Commission and start from scratch and get a pretty good idea what they want to do and then bring it back before Council.

Mr. McBride asked Mr. Gasior to send him the Ordinance in Word document format to add his own notes to which Mr. Gasior responded he would be happy to email that to Mr. McBride.

2. [ORDINANCE NO. 4-21 – TO AWARD THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE 2](#) Mr. Cummins
Second of Three Readings at the Regular Meeting Following this Work Session

Mr. Cummins advised there was a public bid opening on January 28, 2021 for this project and they received a total of nine bids. He said the low bidder was Chagrin Valley Paving Inc., which is not affiliated in any way with Chagrin Valley Engineering. Mr. Cummins stated they have received that bid and recommend that it be considered the lowest and best bid.

3. [ORDINANCE NO. 5-21 – TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE LORAIN COUNTY COMMISSIONERS AND THE CITY OF AVON TO PARTICIPATE IN THE LORAIN COUNTY WENS EMERGENCY NOTIFICATIONS SYSTEM](#) Mr. Logan
Second of Three Readings at the Regular Meeting Following this Work Session

Mr. Logan advised the County Commissioners want to formalize this emergency management notifications system with the City. He said the Commissioners will bill the City \$1,060.00 each year for the next three years and that amount is based on population.

4. [ORDINANCE NO. 6-21 – TO AWARD THE BID FOR THE MOON ROAD PAVEMENT RESURFACING PROJECT](#) Mr. Cummins

Mr. Cummins advised there was a public bid opening on February 4, 2021 and they received eight bids. He said again Chagrin Valley Paving, Inc., not affiliated with Chagrin Valley Engineering, provided the low bid. Mr. Cummins stated the bid has been reviewed and recommends that it be considered lowest and best.

5. [ORDINANCE NO. 7-21 – REAPPROPRIATIONS](#) Mr. Logan

Mr. Logan explained the reappropriations as follows:

General Fund No. 101

Appropriate and transfer \$25,000.00 to the Moore Road Rehabilitation Fund No. 417 for preliminary design engineering for this project. The project fund budget was sufficient but needed the fund transfer.

Reduce appropriations (\$50,000.00) for fund transfers to the Detroit/Nagel Road Intersection Improvements Fund No. 404 as more than enough funds for 2021 had been budgeted for this project.

Total General Fund Re-appropriations (\$25,000.00)

Capital Project Funds

Detroit/Nagel Road Intersection Improvements Fund No. 404

Reduce appropriations (\$50,000.00) as more than enough funds for 2021 had been budgeted for this project.

Water Tower – Mills Road Fund No. 440

Increase appropriations \$50,000.00 for paying down the water revenue notes from January.

Total Capital Project Fund Re-appropriations \$0

Total All Funds Re-appropriations (\$25,000.00)

6. ORDINANCE NO. 8-21 – ACCEPTING THE DEDICATION OF A 60’ PUBLIC RIGHT OF WAY EASEMENT, TO WIT: THE EASTERN EXTENSION OF PEAR STREET Mr. Gasior

Mr. Gasior advised a map was displayed on the large screen noting it was the back page of the Exhibit A to this Ordinance. He said the Thomas J. Nagel property at 33435 Detroit Road fronts on Detroit Road up to the north end of the hatch line on the map and the Jerome and Margaret Potash property at 33493 Pear Street own from that south line all the way to the north line indicated in that hash line area. Mr. Gasior stated Mr. Nagel wanted to split his lot in half on Detroit, but had no frontage on Pear Street, but the Potashes fronted on Pear Street. He advised in order to allow that to happen, the Potashes will convey a 60’ right of way to the City and Mr. Nagel will be able to split that lot to the center line of that 60’ and the deeds are incorporated in the exhibit to the Ordinance and the Planning Commission approved it. Mr. Gasior said he wanted Council to see that right of way was the extension of Pear Street, an unimproved area, and Mr. Nagel agreed to put a turnaround at the end of the current Pear Street.

Mr. McBride asked if the Potashes were just donating this property.

Mr. Gasior noted that Mr. Nagel and the Potashes are related to each other and he does not know if there was a payment made or not, but Mr. Potash agreed to do that. He advised they have already recorded the easement and this ordinance finalizes that transaction.

Mr. McBride surmised that all that the City was taking was an easement and the City was not taking any ownership.

Mr. Gasior clarified it is a right of way easement and that is all. He said the City has no responsibility and in reading the deed of easement both parties are agreeing to be assessed if there is ever public improvement that comes to that area. Mr. Gasior advised they do not know what will happen if the City should ever need to make that improvement, but he speculated they were quite a few years away from having to deal with that.

7. ORDINANCE NO. 9-21 – TO ACCEPT A LAND DONATION FROM NWQ JAYCOX/I-90, LLC Mr. Gasior

Mr. Gasior advised they probably all recall the Chester Road improvements and the assessments to those parcels. He said the Jacobs Group agreed to a voluntary assessment and Suntan Supply and Bucky Kopf did not agree. Mr. Gasior stated the City resolved its case with Bucky Kopf that resulted in a shortfall of around \$250,000 to \$300,000 and the Jacobs Group agreed to take that assessment on their property on the south side of Chester Road. He advised the City has been asked to take this parcel of land noted in the ordinance and thereby relieve them of a few thousand dollars a year in property taxes in exchange for them taking on that \$300,000 assessment. Mr. Gasior said there is no liability on the part of the City as they were not assuming responsibility to maintain anything or do anything as it was all the responsibility of the two adjoining property owners that purchased the land from the Jacobs Group. He stated the east and west property owners have agreed to maintenance and there are two small bridges that they also have the responsibility for maintaining all of that. Mr. Gasior added the only thing the Jacobs Group keeps on that property is a block for signage that would probably be along I-90. He advised, however, he is asking Council for the first of three readings tonight because he still needs to get the formal documents signed for the Kopf assessments. Mr. Gasior said he spoke to the City’s counsel, Colleen O’Neill of Calfee, Halter & Griswold who says the document is prepared, but she does not recall that the Jacobs Group has signed it and they would be looking into that issue first thing in the morning and he did not see the need to rush and accept this property until they have that document signed.

Mayor Jensen advised there is a question as to the signalization and he asked Mr. Gasior to confirm that issue was also taken care of before they move forward with the vote.

Mr. Gasior confirmed they would also try to talk with the Jacobs Group about the signal in front of Bendix with the Jacobs Group before they agree to take all this on, but he reiterated that tonight it was sufficient to have the

first of three readings. He said the declaration of covenants attached is very straightforward and Council could see that all the responsibility for the upkeep etc. is on the two adjoining property owners.

8. ORDINANCE NO. 10-21 – TO AMEND CHAPTER 1464 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO REVISE FLOOD DAMAGE PREVENTION PROVISIONS Planning Referral

Mr. Cummins advised the Federal Emergency Management Agency just completed a revision to the flood maps for Lorain County concerning flood conditions along the Lake Erie shoreline. He said that triggered for all the communities within Lorain County to update their floodplain ordinances. Mr. Cummins stated the previous ordinances were based on a 2006 version that had been approved by FEMA and were adopted by Avon in 2008. He advised since 2008 the Ohio Department of Natural Resources, which handles the implementation and enforcement of FEMA regulations within the State of Ohio, did an update in 2019 to those regulations that was approved by FEMA. Mr. Cummins said that is now being rolled out to have the regulations adopted by the local communities. He stated Council was provided a clean copy as well as a copy with all the insertions and deletions for their review. Mr. Cummins noted the vast majority of the changes are updates to Ohio Revised Code numbers, expanded definitions, changes in definition, changes in FEMA processes and acronyms for certain actions. He said they did try to clean up a little bit of the floodplain permit process in the 1464.13 section but it is still significantly compliant with the process that was there before, but they are trying to make it a little cleaner. Mr. Cummins advised they are asking this legislation be considered as an emergency with suspension of the rules.

9. RESOLUTION NO. R-2-21 – IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO SCHOOL IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL ROAD PEDESTRIAN IMPROVEMENT PROJECT Mr. Cummins

Second of Three Readings at the Regular Meeting Following this Work Session

Mr. Cummins advised this was first presented a couple of weeks ago and they are seeking a Safe Routes to School Implementation Grant for some sidewalk improvements that were identified in the Safe Routes to School plan that was generated in 2019 through the NOACA grant the City had for Safe Routes to School planning. He said the proposed project would fill in some missing sidewalk areas, it would relocate some sidewalk that is deemed to be too close to the existing roadway and seek to clean up the safe passage routes for students to get into the schools. Mr. Cummins stated they would make the grant application in March and would likely be in the May or June timeframe before they would see if they were successful in their efforts.

10. RESOLUTION NO. R-3-21 – TO ADVERTISE FOR BIDS FOR THE 2021 PAVEMENT MARKING PROGRAM Mr. Cummins

Mr. Cummins advised this is a resolution asking for permission to go out for public bids. He said they will solicit the bids for the 2021 program and then come back to City Council to either accept or reject those bids.

11. REPORTS AND COMMENTS

MAYOR JENSEN advised as the United States reached 500,000 people who lost their lives to COVID since early 2020, he asked that people remember and pray for those families who have lost their loved ones.

Mayor Jensen said that University Hospitals announced this week that they are moving their cancer facility to Avon and they are in the process of constructing a \$31 million building. He stated this is certainly going to be a benefit to Avon and the surrounding areas.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 advised it was nice to be back.

MR. MOORE, WARD 3 had no further comments.

MR. RADCLIFFE, WARD 4 was absent.

MR. WITHERSPOON, AT LARGE had no further comments.

MR. FISCHER, AT LARGE advised for the month of March, Council is going to meet on March 8th as a double meeting and then he will reevaluate at that time the meeting schedule for the rest of the month. He indicated the goal was to get back to the normal schedule, but they would look at the virus outbreak numbers on the 8th and determine what they should do going forward. Mr. Fischer stated it was nice to see that the vaccinations were rolling out and he hoped the numbers would continue to come down.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR welcomed Mr. McBride back.

MR. LOGAN, FINANCE DIRECTOR had no further comments.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE:

Brendon Goede of 39454 Miramar Drive asked again about options for internet, saying he started a Facebook profile for support of improved access for internet options for Avon residents and they have received a lot of traction from people asking what they can do to help. He asked Council what could be done to help supplement costs for improved options whether it was through voting or trying to get some sort of commitment. Mr. Goede said he spoke with Wow! directly as well as a couple of different internet suppliers such as Starlink and others and right now there are just no options available without assistance from our local government. He stated ever since Title II was taken away from the internet four years ago, the advancement of internet access to the country has really gone down especially in areas like Avon where they have basically one internet supplier that is even available. Mr. Goede advised he was looking for some help because prices have gone up. He said when he moved into Avon in 2014 his internet cost him \$24.99/month and he pays \$120/month now and he uses it for work from home. Mr. Goede stated his internet is not reliable and the speeds are not comparable to any averages. He felt a lot of Avon residents in different neighborhoods were feeling that strain especially older neighborhoods where the infrastructure is 40-50 years old. He said he is coming to Council asking for help and to let them know that people are willing to get signatures for a petition or look for additional revenue options as it sounds like UH is building a new facility and Bendix was able to negotiate abatement terms for their taxes, but he asked what could be done to help the citizens get better access to internet.

Mr. Fischer advised after the last time Mr. Goede was in front of Council, the Clerk took the initiative to inquire as to what other cities are doing for their internet. He indicated that the City of Fairlawn, which has a much smaller residential base, installed their own infrastructure for their own internet service and Avon's Service Director will be meeting with Fairlawn's Service Director to see what that entailed and the costs associated. Mr. Fischer stated Council discussed this issue at length in the past.

Mr. Goede asked if people understand the Avon schools receive a huge benefit because the distribution centers for the internet are on City property. He said people see that as the City having some leverage with the internet

providers and it was not just him but a lot of people are feeling that price gouging and internet is becoming a necessity especially with working from home and it is becoming a detriment to a lot of people in Avon. Mr. Goede stated residents see a lot of new businesses and the reinvestment into our infrastructure does not seem to be there whether it is from businesses or from the government.

Mayor Jensen asked Mr. Goede when he reached out to different providers what was their response as to how the City of Avon could help them or what kind of assistance they were looking for from Avon.

Mr. Goede said tax abatement or easements. He stated he went to the AT&T store in Avon and was told they do not even use their own internet because they cannot.

Mayor Jensen indicated that is a federally regulated thing that does not have anything to do with this body. He said when Mr. Goede mentioned easements, he wanted him to understand that the schools are installing their own infrastructure and the schools are going to be operating on their own system and the schools contracted that on their own and the City did not facilitate any of it.

Mr. Farmer advised the schools contracted with Wainwright for the connectivity amongst the schools. He clarified Wainwright is not providing the service, but they are providing the connectivity. Mr. Farmer stated he contacted the utility companies and is trying to find out what companies are located on the poles in the City of Avon because to install the infrastructure will cost approximately \$2.50/foot for aerial and approximately \$12/foot underground. He said he is in the process of looking into that and he has been doing some research on it and he has talked to the City of Fairlawn as well as the City of Hudson trying to get some information from them to give us an idea. Mr. Farmer advised the most expensive part is installing the infrastructure. He said there is a lot going on in Avon right now and as they move forward he was hopeful there would eventually be some better internet service but they still have some work to do on the City's end to try to put the information together but they are currently working on it.

Mr. Goede said it sounds like there is no opportunity for the citizens to vote or help bring something to Avon.

Mayor Jensen stated Mr. Goede could collect signatures but honestly from the people he has talked to there are more residents who are satisfied with the service than those who are not. He advised while he is aware there are frustrations, for residents to be willing to pay even more by voting for a levy on the ballot he did not see that happening. Mayor Jensen advised if residents think the prices now are outrageous that would cost the residents much more. He said most of Avon's infrastructure is underground and it would be much more expensive to install throughout the City and tearing up everyone's lawn to install a new system only to say that everyone has to connect to it was not practical. Mayor Jensen stated when the City of Fairlawn installed their own system, they had over a sixty percent participation. He advised regarding abatements, the City of Avon has not given an abatement to any company that is selling a service or goods. Mayor Jensen clarified that Bendix was given the abatement because they are bringing jobs to Avon which in turn brings revenue to Avon.

Mr. Goede asked even if it provides indirect value like access to digital e-commerce? He said more and more cities out west are doing that. For example, with Wall Street you do not need to physically be on Wall Street like areas outside of Kansas City that are secondary Wall Streets where a better cost of living can be obtained and pay employees less compared to someone actually on Wall Street but still have that digital engagement. So there are ways to get indirect jobs.

Mayor Jensen said this body will always look at something brought forward to see if it made any sense to do that. He stated Meijer's brought 125 jobs, Walmart brought almost 200 jobs to the City and they have not been given abatements. Mayor Jensen felt that there was not anyone on this panel that would not look at something if they thought it was a benefit to the majority of people. He advised he knows that on Mr. Goede's page that people have given a lot of different ways that they have reset their internet and there is Spectrum and Centurylink available for Avon residents and while most people say that Centurylink is not really an option, it is still an option because they have some infrastructure in the City of Avon. Mayor Jensen said they would like to see some competition including Wow! but the City Administration in Avon Lake has said that there are those unhappy with

Wow!. He said they have all been in the same boat where they switch service to another company in order to get a lower rate when they come back, but then over time the rate comes right back up.

Mr. Goede asked if there are opportunities to set certain thresholds for minimum charges by these companies. He asked if the City is able to set a limit of 75% of the global average cost for internet speeds as a supplier in Avon to force the provider to meet the criteria set by the local government.

Mr. Butkowski advised that is all regulated by the federal government and the City does not have any influence on that. He agrees that competition always drives down costs and improves services and said City Council and the Administration has been wide open to anybody and everybody that would want to come into the City. Mr. Butkowski stated they have gone out of their way to ask and they have not come here and there is a reason for that. He said they are all in the same boat as they all either have Spectrum or CenturyLink so they are all sharing in that same frustration. Mr. Butkowski advised they are open to any and all ideas and they have asked many of these suppliers and even AT&T, which has a store here, cannot get AT&T internet service here as well as Verizon and Fios and he too wondered why they were not installing the fiber here. He stated these companies could see what the average income in the City is, so there is definitely a need and a want and the wherewithal to pay for that stuff, and yet they have not come. Why have they not come?

Mr. Goede answered that he would probably say that it is like Texas who is profiting over high prices rather than going for the customer and long-term benefits.

Mr. Butkowski agreed that is true with Spectrum, but he asked why Verizon has not come in or AT&T or Wow! as Wow! is on either side of Avon and they already have some infrastructure in place. He said Council, as residents of Avon, are in that same boat and they are just as frustrated as he is and those people that are in his group. Mr. Butkowski encouraged Mr. Goede to bring ideas and suggestions to Council and while Council has talked about this numerous times, they are still open to hearing different ideas, but said there is a reason why those suppliers have not come. He said he does not know what that reason is and if Mr. Goede finds out Council would like to hear it and have that discussion. Mr. Butkowski reiterated that it is just as frustrating for them on Council and the City Administration as it is for Mr. Goede and other residents. He said they also live in this same environment and have to deal with it on a day to day basis just like he does.

Mr. Goede said the correspondence he has had with Wow! is that the infrastructure cost is too much to bring it in because the population density is five to six times higher in Avon versus Rocky River even though each of those communities has 20,000+ residents. He stated every dollar that Wow! puts into Rocky River they get 6 people on their service but every dollar in Avon they get one person. Mr. Goede said that Wow! would need to somehow offset that 5-1 ratio whether through tax abatements or a City fund where companies looking to reinvest in the City could seek that out.

Mayor Jensen advised Spectrum is smart enough to realize that Bendix or the Cleveland Clinic benefit Spectrum and Spectrum lowered their prices enough to reach an agreement with these facilities. He said he was hoping at some point that the City could help be part of that, but those agreements were reached independently.

Mr. Goede asked if there was opportunity for small to medium size businesses as well as individuals to have a potential government internet option. He said he imagines that businesses also feel pressure from Spectrum because that is the only option and it seems comical that AT&T has to use Spectrum. Mr. Goede felt there might be a bigger opportunity there of not only asking homeowners but also small and medium sized businesses what would be the value of having internet provided by the local government.

Mayor Jensen advised typically on the commercial end Spectrum is very competitive. He stated Mr. Farmer has been tasked with seeing what else he can find out and will be talking with the City of Fairlawn, that installed their own infrastructure, to see what that entails and what those costs would be. Mayor Jensen said just like it is a challenge for Wow! to come to Avon it is going to be the same challenge that the City of Avon would have. He advised in surrounding communities the utility poles are already in place and it is easier to run cable on poles, but it is more difficult to run them underground and that is one road-block they are facing in Avon. Mayor Jensen

said most of the housing developments in the City have all underground utilities making it even more expensive and challenging.

Mr. McBride agreed with Mayor Jensen and added that is why the costs are lower, in part, in Rocky River. He advised it is not just density and the width of the lots, but it is that the provider can run overhead infrastructure in those other communities.

Mayor Jensen advised they would keep looking into it and if Mr. Goede would like to leave his email contact information with him or the Clerk of Council, he would be happy to send him any updated information as it becomes available.

12. ADJOURN: 7:48 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