

**PUBLIC HEARING  
MONDAY, APRIL 8, 2019**

7:25 P.M. – Council President Craig Witherspoon opened the Public Hearing for Ordinance No. 24-19.

**ORDINANCE NO. 24-19 – AN ORDINANCE TO AMEND ORDINANCE NO. 413-68,  
PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE  
OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A 3.0 ACRE PORTION  
OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD,  
PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH  
OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/GENERAL  
BUSINESS DISTRICT OVERLAY**

There being no comments, the Public Hearing for Ordinance No. 24-19 was closed at 7:27 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 8, 2019  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

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

PRESENT

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Anthony Moore; 4<sup>th</sup> Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon, 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

CORRESPONDENCE

Mayor Jensen advised last month there were 222 calls for EMS and 50 calls for fire. The report was available in his office.

The Clerk reported Council and City Officials were emailed a copy of a letter from Joe Misencik of Holly Lane regarding the proposed Fire Training Tower.

The Clerk also reported that the minutes from the March 18, 2019, 6:30 p.m. Public Meeting prepared from the recording regarding Resolution No. R-8-19 Declaring the Necessity to Improve French Creek Sanitary Sewer were emailed to Council, City Officials and the affected property owners who provided their email addresses at that meeting.

The Clerk advised she received a request from the Division of Liquor Control for a Transfer of Ownership (TRFO) to Hibba Riffatqadeer dba Seven Eleven located at 39105 Colorado Avenue. No comments or concerns were voiced.

ADDITIONS AND DELETIONS TO THE AGENDA

Chairman Witherspoon requested item #9 – Ordinance No. 32-19 Amending the Special Use Permit to Bar Nova at 36816 Detroit Road, be removed from the agenda at the request of the Architectural Review Board until their review is complete.

A motion was made by Mr. Fischer and seconded by Mr. Butkowski to amend the agenda by deleting item #9, Ordinance No. 32-19, from the agenda, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to accept the agenda as amended, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

#### MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, MARCH 18, 2019

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Work Session of Council held Monday, March 18, 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. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “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, MARCH 25, 2019

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 25, 2019, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

#### ORDINANCE NO. 24-19 – REZONING A 3.0 ACRE PORTION OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/GENERAL BUSINESS DISTRICT OVERLAY

The Clerk read Ordinance No. 24-19 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A 3.0 ACRE PORTION OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/**

## GENERAL BUSINESS DISTRICT OVERLAY

The Chairman declared this to be the third of three readings of Ordinance No. 24-19.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 24-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 26-19 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 1280 SQ. FT., THREE-STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD

The Clerk read Ordinance No. 26-19 by title only, entitled:

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 1280 SQ. FT., THREE-STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 26-19.

Chairman Witherspoon opened the floor for public comments on this topic.

No comments were made.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 26-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “no”; Mr. Witherspoon, “yes”.

The vote was 6 for and 1 against and the Chairman declared the motion passed.

ORDINANCE NO. 33-19 – GRANTING A SPECIAL USE PERMIT TO ST WEST ACQUISITION, LLC, TO CONSTRUCT AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 33405 JUST IMAGINE DRIVE

The Clerk read Ordinance No. 33-19 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ST WEST ACQUISITION, LLC, TO CONSTRUCT AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 33405 JUST IMAGINE DRIVE 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. 33-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 33-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

RESOLUTION NO. R-8-19 – DECLARING THE NECESSITY TO IMPROVE (I) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO;

The Clerk read Resolution No. R-8-19 by title only, entitled:

**A RESOLUTION DECLARING IT NECESSARY TO IMPROVE (I) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO; AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Resolution No. R-8-19. Chairman Witherspoon opened the floor for public comments on this topic.

Carolyn Beck of 38021 French Creek Road stated she pays \$2 a month on her water bill for storm water. When she first called the engineering company they told her that storm water money does not apply for this project because it is only for sanitary sewer. She said that the logistics page from the engineer’s office shows a line item of a 10” storm sewer at \$13,500 as a part of the project costs estimate. Ms. Beck asked if her \$2 a month applies to that portion of the project.

Mr. Cummins advised as they dig a trench to install the sanitary sewer, there are some spots where they will be intercepting existing storm sewers that are already in place and they will have to be placed back.

Ms. Beck felt her storm water bill should be paying for that when there are any future improvements, as she was told when they started charging this fee.

Mr. Cummins stated that generally the storm water utility fee is used to do stormwater projects. This work is only necessary because they are doing a sanitary sewer project.

Ms. Beck said it is a project within a project and it is storm water and that is what her \$2 is supposed to be paying for.

Mr. Cummins said it is a piece of the project in order to put the sanitary sewer in place.

Ms. Beck stated she already paid for her own storm water sewers when she originally moved here before they put the \$2 fee in place. She asked if that \$13,500 was going to be stricken from the project.

Mr. Cummins advised no.

Ms. Beck stated there are approximately 150 people that live at Avon Oaks not counting the staff. The EPA has commented that where there is a nursing home there are always problems

with sewers. She said there is a dumpster to take away the refuse from that particular place. The nursing home put an addition on when she first moved in to her current home in 2003. Ms. Beck asked why the nursing home did not upgrade the sewers at that time because there was a problem with that pump station back then.

Mr. Cummins advised the pump station was originally installed for the subdivision of Briar Lakes; the nursing home was tied into it at that time. In 2003 he was not involved with the City of Avon and he cannot say if the nursing home undertook any upgrades at that time. Regardless, sixteen years later the City has a track record of spending dollars to keep the pump station up and running. It is a piece of infrastructure and all pieces of infrastructure have a set design life and as you get further along in that design life the costs are likely to increase. He said he could not speak directly to whether there was an upgrade in 2003. There is not a problem with the capacity of the pump station as it exists today, but the issue is with the maintenance costs and the long-term maintenance costs of the installation.

Ms. Beck said even with that thought in mind, she asked if it was possible to put the nursing home into the mix of the project because they are talking about 150 residents living there. She stated she heard the nursing home is considering 14 residences and that would be like a family of 10 in every home. Ms. Beck felt the nursing home is a major player in who uses this sewer system. She asked why they were not in the mix. Ms. Beck said the nursing home has expanded making it at least 15 families living there.

Mr. Cummins advised the nursing home is a part of the mix just as the other homes in the existing subdivision, Briar Lakes, that already have a sewer and a connection to a public sewer. He said those homes were accounted for as was the nursing home and then the City took those costs on as its proposed method of devising the cost for the assessment. Mr. Cummins explained the City is taking on a very substantial portion of the overall project costs so that each individual property owner is being assessed a little under \$6,000 for the main line that if they had to pay for fully would probably be closer to \$30,000 per parcel.

Ms. Beck stated at the informational meeting it was said that the City is paying 80%, but on the paper work it states 73%. She asked how the City came up with those calculations and she asked if she could see those calculations.

Mr. Logan advised the calculations were in the document Ms. Beck was holding. He explained that the detailed costs that the engineer's office prepared lists all the costs and the 73% was how the math worked out. Mr. Logan said the City did not just say we are going to assess 27% or 20% but it was determined by cost estimates. He stated that City Officials have gone over the costs that remain in a lot of detail over the last few weeks and Ms. Beck and others who have asked have seen those estimates. Those costs that make up the assessment, the approximate \$207,000, just happens to work out to 27% and the City is paying the other 73%.

Ms. Beck asked if they have relooked at the City budget because residents have asked for help. She asked if there was any way the City could up that 73% of the City's portion. She asked if they have looked at that to see if they could come up with more money to help the residents.

Mr. Logan advised the City has proposed to help with the tap fees to an extent.

Ms. Beck answered by holding it back, but not lowering it.

Mr. Logan said if it works out, they could finance those tap fees over a ten-year period. He stated that would mean a voluntary assessment similar to the original assessment that people could take on and have their tap fees placed on their tax duplicate. The properties would be billed twice a year over a ten-year period and there would be very little, if any, interest on those tap fees. Mr. Logan stated that is one thing they have looked at and discussed.

Ms. Beck said but they have not looked to see if there is any extra monies coming in where it could be applied to the property owners portion of the project.

Mr. Logan advised that is not really his chore to do. He said our City Engineer and Council have gone through these costs in good detail.

Mr. Cummins stated for the record, the estimate of the sanitary sewer project is \$1,108,450. The City is proposing to undertake \$847,205.86 of those costs and the 36 parcels that will be assessed are taking on a total of \$207,726.56. Mr. Cummins said the City's current proposal is a substantial amount of the overall project and that represents an estimated assessment of \$5,770.21 per parcel.

Ms. Beck stated she understood all of that as that was all explained to her. She asked if they have looked at the possibility of the City paying more than 73% of the cost of this project since the first meeting where all that information was shared.

Mr. Cummins advised the City did take on an additional approximate \$20,000 in costs since that initial public meeting. The original assessment was over \$6,000 per parcel and after some of the issues and discussions that came out of that public meeting, the proposal was revised and approximately \$500 was removed from each assessment value and settled in on the \$5,770.21.

Ms. Beck stated she heard about that from her neighbors and she thanked him. She said she noticed on the maps that there is an additional cost because there is a 10" pipe that is needed in front of their property to handle the Briar Lakes sewer needs. Ms. Beck asked why the amount of \$152,985 has not already been deducted from the bottom line since Briar Lakes property owners have been assessed sewer fees all these years. She asked where all those sewer fees went.

Mr. Cummins advised the sewer fees that the existing homes are paying into go into the Sewer Fund to help maintain the entirety of the City of Avon's sanitary sewer.

Ms. Beck asked if this project is a part of that maintenance.

Mr. Cummins said yes, the cost to maintain the pump station would have been a part of that and maintaining the Briar Lakes existing lines would have been a part of that as well.

Mr. Logan added and to pay the sewage plants which are run by the City of North Ridgeville for the most part and the City of Avon Lake. He advised a lot of the sewer fees go to these cities for the maintenance and operation of the sewage plants.

Ms. Beck asked if that meant that amount could not be taken out of the bottom line.

Mr. Logan said it is a part of this project cost and could not be taken out.

Ms. Beck said she moved to Avon in 2003 and French Creek Road was repaved sometime in 2006. She asked if her taxes paid for repaving of the roads.

Mr. Cummins advised the overall repaving of French Creek Road is not part of the sanitary sewer assessment project. The sanitary project will repair the pavement that is disturbed to construct the sanitary trench. Separately on this same cost estimate, the City is considering repaving the surface of French Creek Road in this project area as well. He noted that those costs are not included in the \$1,108,450 project cost, it is just the sanitary sewer project.

Ms. Beck stated her question is that if her taxes pay for repaving of the roads and they are going to repave it again anyway. She asked why the repaving is a part of this project because they are going to repave it anyway.

Mr. Cummins advised the cost to repave the surface of the road is not in the cost that is being assessed to the property owners. It is not a part of the assessment project.

Ms. Beck asked why the property owners were going to have to replace their driveway aprons themselves. She asked why their driveway aprons were not being replaced.

Mr. Cummins advised she was not having to do any of the work herself. He said the aprons that are disturbed when the trench is being installed to put the sanitary main line pipe in, will be replaced once the project is complete. Mr. Cummins said that is not up to the homeowner to do; it is similar to the storm sewer, as it is a necessary item in order to get the sanitary sewer in

place and they have to construct a trench that disturbs the drive aprons. The cost to replace those aprons is a project cost.

William Fiorille of 38030 French Creek Road felt the nursing home is getting off scot-free on this because they bought the pump which is three decades old or more.

Mr. Cummins advised no.

Mr. Fiorille asked who owns that pump.

Mr. Cummins answered it is a City pump station.

Mr. Fiorille asked who paid for it.

Mr. Cummins said it was turned over to the City and it is the City's responsibility.

Mr. Fiorille said the nursing home bought it and gave it to the City.

Mr. Cummins stated he does not know who physically paid for the pump.

Mr. Fiorille said this is not a benefit to the residents of French Creek Road. He said this is a benefit to the City and the nursing home and Briar Lakes. Mr. Fiorille stated that the City's maps show that Briar Lake Road is ready to connect at the end of North Long Road. He said that has been planned by the City years ago.

Mr. Gasior advised the pump station was installed by the developer of Briar Lakes subdivision.

Mr. Fiorille said he does not buy that.

Mr. Gasior answered it is a fact.

Mr. Fiorille asked then why it comes straight out of the nursing home.

Mr. Gasior stated the nursing home was in close proximity to tap into it and he believed the EPA made them tap into it.

Mr. Fiorille said the EPA does not know anything about this.

Mr. Gasior said the EPA knows the nursing home is tapped into that lift station.

Mr. Fiorille said the EPA has nothing to do with this sewer project. He said the EPA has grant money available for upgrading our septic systems.

Mr. Gasior advised to answer the question, the lift station was installed by the developer, subdivider of Briar Lakes subdivision.

Mr. Fiorille said whoever put it in, paid for it. He asked why the nursing home is not being assessed for some of this sewer project as he felt they are the problem. Mr. Fiorille said the EPA told him that, wherever there is a nursing home there is always a sanitary sewer problem and the nursing home was getting off scot-free, but it was okay to pick their pockets. He suggested there was some kind of inside connection there. He said that is a money making, profit-making business and they are not being charged.

Mr. Witherspoon advised Mr. Fiorille that City Council and City officials have treated him with respect and he asked Mr. Fiorille to please do the same. He said that none of them are on the take from anyone.

Mr. Fiorille said we have to contribute to that main line on the street, which is a major investment and that pump station was a major investment. He stated they are being told to sacrifice their septic systems and he offered a trade saying they would pay the fee and the City could buy their septic systems and then they would collapse them. Mr. Fiorille said it was a major investment when they put in their septic system. He asked if any of them would like to admit they received his email.

Mayor Jensen advised they received his email which stated there was money available.

Mr. Fiorille said that the City has to apply for the money.

Mayor Jensen said they have sent emails again and there is not money available.

Mr. Fiorille said it is not available unless you ask for it.

Mayor Jensen said we have asked for it.

Mr. Fiorille said the federal government is taking a big interest in saving the Great Lakes. He said there is money coming to finish cleaning that up and Avon officials have said that their septic systems are a problem for the runoff into the lakes. Mr. Fiorille said he is protesting the whole thing.

Martha Childers of 37561 French Creek Road said she spoke with Mr. Logan regarding the assessments and she would like to make it a part of the permanent record. She stated that Mr. Logan said that the assessment of the \$5700 could be spread out over twenty years and they were looking for interest rates and that it would be free to around 1% and she asked if he was able to confirm that interest percentage.

Mr. Logan said no, and they will not be able to until they are ready to assess, which is probably a good year from now. He stated he is guessing 3%, but he cannot predict what interest rates are a year from now. Mr. Logan said secondly, because this is internally financed as the City is not going out to borrow money externally and would not be subject to any kind of bank interest rates, they will set what that market interest rate will be.

Ms. Childers asked with regards to the tap fees for an additional \$5,000, if the City is also trying to do as an assessment.

Mr. Logan advised they have talked about the tap-in fees and are considering having legislation which would allow the property owners to voluntarily take on that as an assessment over a ten-year period.

Ms. Childers asked if that meant that the property owners would only have to pay a contractor upfront and the rest could possibly be spread out over time like the assessment.

Mr. Logan advised the lateral connection would be upfront as well and the City could not really do much about that as well as the destruction of the septic tank.

Mayor Jensen advised this is the first step in the process and paying the tap-in fees over time and trying to get zero interest is a separate action of Council. He said he has every confidence in Council that they will allow the Administration to finance that at zero percent and he also has confidence with regards to the twenty-year assessment that they will be able to offer zero interest. Mayor Jensen stated that he and Mr. Logan have talked about how this will all work and that they will be able to assist in this way. He indicated it was the other costs involved with the project that they could not do anything about their out of pocket expenses. Mayor Jensen said they want to make it as easy as possible even though some may not believe that and the City Administration and Council are trying to do what is best. He heard some ridiculous statements and he wanted to comment. Mayor Jensen advised for anyone on the other side of the pump station this is the best thing that could possibly happen because if the EPA comes in and mandates the sewer system be upgraded for those properties on the other side, the sewer would be brought from North Long Road upward and that would be no help whatsoever. He said the only reason this is a help is because they are removing the pump station from it, but they could run that pump station another 10-20 years spending the extra money to maintain it. Mayor Jensen stated they felt this is the perfect time and the cheapest it will ever be for these residents. He said if we wait, it could cost each parcel owner \$30,000, and they would have to foot the whole bill. Mayor Jensen advised the only reason there is a reduction is because the City is removing the pump station and attaching at the proposed location. He said if they attach it anywhere else, they would be able to leave the pump station. Mayor Jensen stated the property owners would then have to pay to go from the pump station up and it would be drained into the pump station and it would most likely cost each parcel owner over \$20,000. He advised the property owners on Elizabeth, Puth and Joseph were each going to have to spend approximately \$30,000 and the City had the opportunity to connect that area previously when the storm sewer was replaced. Mayor Jensen explained some of the property owners on Elizabeth, Puth and

Joseph came to Council and argued not to do it back then and that Council held off doing that improvement and now there was nothing they could do because the EPA is mandating it. He said those property owners are now questioning why Council did not force them to do it back then when it would have been the least amount, even though it may be a burden on some, it still would have been the least amount. Mayor Jensen said Ms. Childers has seven people in her household who are all using the septic system. He stated that septic systems fail and the City is covering ditches now and that is what part of the storm water utility fee is paying toward down the road. Mayor Jensen said the City is running into septic systems where their drainage is pouring into those ditches that the City is covering and the EPA and the Health Department are coming out saying we have to fix those septic systems. He emphasized this is the least expensive way to fix the problem and he understands there is a burden and the City is trying to take some of that away. Mayor Jensen stated it is still a heavy burden on the City and while the City has other sources of revenue, only 11% of property taxes comes to the City and for a \$3,000 property tax bill, the City receives approximately \$300 a year and that includes plowing the roads and picking up leaves and branches. He said there is not a whole lot of money left to do other improvements. Mayor Jensen advised they would not do this project if they did not think it was in the best interest of the residents. He stated to blame the nursing home is not fair as they have taken those figures out of their assessed portion and other taxes are paying for a big portion of this project. Mayor Jensen said it is a give and take and he understands it can be a burden for some people, but it is a benefit that will far exceed the twenty years it may take to pay off their assessment.

Jeanne Timko of 37765 French Creek Road said she moved to Avon five years ago from Lorain. In the past five years she lost her husband and she lost her daughter and it has not been easy for her. She said she lives on less than \$2,000 month. Ms. Timko stated she does not have the money for this as she does not have \$30,000 and she is barely getting by now. She said she is 66 years old and her son lives one house over from her and he has a double wide lot and she will have to help him because he is on disability. Ms. Timko stated she would have to pay assessments for two houses now. She said currently her water bill is \$12 a month; she owns a house in Lorain and the water bill there is \$95 a month; \$15 for water and the rest is all fees and she felt that is what is going to happen here. She said they are talking about assessments and she felt they would be paying \$100 a month for water.

Mayor Jensen advised if she is paying \$12 a month for water now, she would most likely pay another \$12-\$14 in sewer.

Ms. Timko said that is what she was told in Lorain too. She said not only were they going to have to pay for their assessments, but they were going to be paying higher water bills. She said she is not going to be able to afford to live in Avon anymore; she lost too much already and she is living on a third of the income from when her husband was alive. She asked if the City could give them any help as they have to be able to pay their bills. Ms. Timko asked if they knew how much the sewer project is going to end up costing her in the end. She said her lot is single wide at maybe 100' wide. Ms. Timko stated she has heard it will cost anywhere from \$15,000, \$20,000 and she heard \$30,000. She said she is going to have to sell her house just to pay the assessment.

Mayor Jensen advised the assessment is under \$6,000 per parcel and then there are some additional costs that go along with it such as the tap-in fees. He said he was not sure the cost to tie-in.

Ms. Timko said her connection point is at the back of the house and there is a deck over it so that was going to be a problem. She said they are not all rich and they act like everyone in Avon has a \$200,000 income. Ms. Timko stated with all of her pensions, Social Security and the like she did not even hit the poverty level last year. She asked what they were supposed to do, were they going to put senior citizens out on the street or the families raising 3 or 4 children were

going to be out on the street too. Ms. Timko felt there were not too many families who could go to the bank and write a \$30,000 check. She said she knew they were trying to help, but for the majority of them she felt it was not enough. Ms. Timko said she was going to have to move in with her son and rent out her house, so she can afford to help her son pay for his assessment.

Robert Malone of 38000 French Creek Road said he believed there was going to be a 10” sewer line going down French Creek Road to take care of 165 homes plus 150 people in Avon Oaks nursing home plus the 40-50 acres that are undeveloped on French Creek Road. He asked Mr. Cummins if that 10” line would carry that capacity.

Mr. Cummins answered yes, it will.

Mr. Malone asked if they would be installing backflow preventer valves.

Mr. Cummins advised no.

Mr. Malone asked if there was not a need for backflow valves.

Mr. Cummins advised backflow preventers come with maintenance requirements and given the conditions he does not feel that they are necessary in this situation, but each individual homeowner can make their own choice.

Mr. Malone clarified it was up to them to decide if they want to protect their basements.

Mr. Cummins advised if he wanted to add a backflow preventer he certainly could on his connection.

Tim Eiseman of 37556 French Creek Road said he has listened to all the comments and the facts and figures. He asked if this project is already settled and this project is going to go through no matter what Council hears from anyone or any questions. Mr. Eiseman asked if they would be voting on this or was it already approved.

Mr. Witherspoon advised the vote would be taken this evening.

Mrs. Holtzmeier advised she wanted to add, especially to Mrs. Timko’s comments, that they listened to everyone tonight she wants them to know that their comments do not fall on deaf ears. She said they have reviewed this for weeks and have had many conversations and if it does not appear as if they are asking a lot of questions tonight it was because they were at the tail end and many questions have already been asked. Mrs. Holtzmeier stated to that point, she hears them and she thinks of her own parents and the questions they would ask about their septic tank and if this were to happen in their neighborhood. She said should that be the case she would want to know that there was assistance and the ability to get questions answered for them. Mrs. Holtzmeier stated she would go along with them to do the best she could to help them. She said should this step one of this vote go through tonight for these assessments, she wanted to commit to them that she would be in full support and be available to help and she believed a lot of her colleagues on Council would as well. Mrs. Holtzmeier said to provide an opportunity for them and their neighbors to ask the questions and to make the connections whether that assessment is something they decide to place on their property taxes at some rate of interest now or in the future, but to be able to provide a means to have the counseling to have those question marks become better answers for them. She said she is sympathetic to it and understands it and she would want that for her own parents.

Ms. Timko asked why when the City made them put sidewalks in did not everyone have to put sidewalks in. She said when going down French Creek Road it looks as if they pick and choose who would has to have a sidewalk and who does not. Ms. Timko stated one side of the street does not have any sidewalks at all.

Mayor Jensen advised in time, all the properties would have sidewalks. He said currently they are working on covering the ditches so there are certain areas that could eventually be connected that could not be connected previously because there were ditches in the way. He said they are strategically going around trying to cover some of those ditches to be able to install sidewalks and at some point, both sides of the road will have sidewalks. Right now, they are looking at connecting developments for pedestrians to be able to walk to certain areas. He added that all of French Creek Road is going to be repaved next year after the sanitary sewer is installed and a portion would be paid for by sewer funds, which are the areas that were dug up and the other portion will be paid for with funds from the road program.

Ms. Timko stated she bought her house in August of 2014 and a few months after she moved in she was told she had to install a sidewalk across her driveway because it was not done when the driveway was installed. It cost her \$2,000 to install a sidewalk across her driveway. Mayor Jensen said someone took advantage of you. She asked why it was not cast in the first place. Mayor Jensen stated that was the previous homeowner who was supposed to install the sidewalks before she bought the house. Ms. Timko asked why the inspector did not make sure it was done before. Mayor Jensen said that was not a requirement at the time.

Mayor Jensen advised we now require homeowners to install sidewalks and the homeowners will have to pay when their sidewalk is installed. He said at the time, there was Ms. Timko's and one other property that did not have their sidewalk installed across the driveway. Mayor Jensen stated that previous homeowner was asked to put in that sidewalk and apparently that was not disclosed to Ms. Timko that a sidewalk across her driveway would be required. Ms. Timko advised the previous homeowner passed and they purchased the house from the estate.

The Chairman declared this to be the third of three readings of Resolution No. R-8-19.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Resolution No. R-8-19, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mr. Witherspoon, "yes".

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

RESOLUTION NO. R-9-19 – TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT (018-20) FOR ROAD SALT

The Clerk read Resolution No. R-9-19 by title only, entitled:

**A RESOLUTION TO AUTHORIZE THE MAYOR TO PARTICIPATE IN A COOPERATIVE PURCHASING PROGRAM WITH THE OHIO DEPARTMENT OF TRANSPORTATION, WINTER CONTRACT (018-20) FOR ROAD SALT AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Resolution No. R-9-19, and the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. Witherspoon, "yes".

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

A motion was made by Mr. McBride and seconded by Mr. Fischer to adopt Resolution No. R-9-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

RESOLUTION NO. R-10-19 – TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF CHESTER ROAD BETWEEN STATE ROUTE 83 AND AMERICAN WAY

The Clerk read Resolution No. R-10-19 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF CHESTER ROAD BETWEEN STATE ROUTE 83 AND AMERICAN WAY AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-10-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-10-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

REPORTS AND COMMENTS

Mayor Jensen asked that a Finance Committee Meeting be called to discuss low interest or zero interest loans for the affected property owners for their pending sanitary sewer installation assessment and associated tap-in fees now that Resolution No. R-8-19 has been passed to proceed with the assessment process. Mayor Jensen advised he would meet with Mr. Logan and discuss the details and then set a Finance Committee Meeting and email the affected property owners of the Committee date and time.

Mayor Jensen thanked the Fire Department personnel who were present tonight in support of the training tower. He recognized Lt. Reising, Firefighter Villwock, Lt. Dudziak and Captain Panehal. Mayor Jensen advised Council has put a lot of confidence in the Fire Department personnel with allowing this training tower to be located at the Fire Station and they understand how important it is to continue their training. He said the few residents that were against the training tower location were not going to change their minds, but because he knows it will be taken care of like they would any other piece of fire equipment, that some of the concerns those people had will not amount to anything and it will be another huge asset to the City. Mayor Jensen felt that they would see that people will be there to see what they have put together. He added that he spoke with the Veterans and there has never been an objection from them

regarding the placement of the training tower that will be next to where the Veterans Memorial will be and in fact they welcome it. He thanked them again for coming to show their support and to show Council that it is important for them to get the training they need and that they would use it wisely.

#### COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, had no comments.

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

Mr. McBride, Ward 2, had no comments.

Mr. Moore, Ward 3, asked when the change in trash collection from Friday to Monday with Republic Services would take place.

Ms. Brooks advised May 6<sup>th</sup> will be the first Monday for collection.

Mr. Moore asked how the residents would be notified.

Mayor Jensen advised the City would be sending out their VIP text alert, it would be posted on social media to let everyone know the Friday before would be the last Friday pickup and that they will start the following Monday and the City would remind people again of the change to help get them used to the Monday collection day.

Ms. Brooks advised also Republic Services has stated that a postcard would be going out to all Avon customers notifying them of the change.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, Council President, had no comments.

#### 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, asked that a Special Meeting be called to be held after next week's Work Session on April 15<sup>th</sup> as there are a couple bid awards from the road program that they would like to get passed if possible.

Mr. Witherspoon asked Council Members to let him know if they would be unable to attend that Special Meeting.

Mr. Logan, Finance Director, advised House Bill 62 passed this past week that increases the gas tax in the State of Ohio by 10.5¢. He said everyone will be paying a little more for gasoline tax at the pump. Mr. Logan stated it will generate roughly an extra half a million dollars for the City of Avon beginning July 1, 2019. He advised that money goes into the Street Department and the State Highway Funds, meaning that money goes into road improvements.

Mr. Logan advised Ordinance No. 34-19 that was on the Work Session last week was revisited and he appreciated the comments from Mrs. Holtzmeier. He said they looked at a few things regarding taking a deposit on rental properties for utilities and he asked Mr. Gasior to remove it from the agenda for this meeting. Mr. Logan stated only one other community in our area is taking deposits for utilities. He said they are looking at a couple things that some of the communities are doing that might make a little more sense for Avon. Mr. Logan advised he ran a report and there are 120 single family or duplex rental properties that are known to the City currently. He noted that legislation would be coming back to Council at a later date with some revisions to the Ordinance.

Mr. McBride suggested Mr. Logan check some eastside communities as they were much more aggressive with rental properties and regulations. He indicated some of them may be too aggressive for Avon, but said they cover the gamut from A to Z.

Mr. Logan said he would look into some of those communities. He stated one of the issues that a lot of the communities in and around Cuyahoga County have are on Cleveland water. Mr. Logan believes that Cleveland water does take deposits on certain accounts and their sewer is a part of that Northeast Ohio Regional Sewer District and it is a little different in some of those cities. He said he would check with some of those cities that may be on their own systems.

Mr. Gasior advised they could also consider not taking deposits and leaving the responsibility on the property owner. It was noted that is what some of the communities are doing.

Mr. Logan added some communities will not open a utilities account for a renter.

Mr. Gasior said that might be the fallback that we land on.

Mrs. Holtzmeier stated she appreciated Mr. Logan getting the number for rental units. She said it provides an opportunity to ask if we want a formal database or whether it is a requirement through code for those that are renting their property to register. Mrs. Holtzmeier added this would protect the property owners should there be a nuisance or a means to address through our code, there would be a direct way to find the owner as it was not always as simple as the name that is listed on the tax record. She encouraged him as he goes through the process to develop an opinion on that as well since he will be researching other communities.

Mr. Logan reminded everyone that they have a week to file their tax returns.

AUDIENCE:

No comments were made from the audience.

ADJOURN: 8:28 p.m.

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

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