

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, APRIL 27, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:00 P.M.**

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

1. ORDINANCE NO. 29-20 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE GARDEN CENTER ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS Planning Commission Referral

The Public Hearing was held for Ordinance No. 29-20 at 7:20 p.m. on Monday, April 13, 2020
Third of three readings for Ordinance No. 29-20 at the Regular Meeting of Council to be held on Monday, April 27, 2020

Mr. Gasior advised he provided an explanation of the changes to Ordinance No. 39-20 to Council in the packet. He explained the definition of “farm” has been changed and said that was not in the original Exhibit A. Mr. Gasior stated there were no other substantial changes, but just cleaning up the definition. He added that the significant change from the previous version of the Ordinance was in subsection 50 where a new definition of “garden center” was created. Mr. Gasior advised the old definition referenced “greenhouses/nursery” and with the new definition of “garden center” it was not necessary to have subsection 54 defining a “greenhouse/nursery” so that was eliminated. He felt the new definition of “garden center” is cleaner and more straightforward as to what would be included in a “garden center”. Mr. Gasior stated outside of that there were not any other significant changes and they could see in 1278.03 that a “garden center” is going to be a Special Use and in 1280.05 “garden center” is listed in that section as well in subsection (h) and it refers to all district regulations in Chapter 1278 and 1280.06 (mm), 1280.06 (u) and 1280.06 (w). He said those sections deal with outdoor display and outdoor storage. Mr. Gasior felt these minor changes were not significant enough to warrant going back to Planning Commission. He referenced 1236.08 “Action by Council” subsection (4)(b) that states that Council did not have to go back to Planning Commission during the course of the readings if they have not substantially changed the nature of the Ordinance that was referred by Planning Commission. Mr. Gasior felt there was not anything substantially different in anything being put forth. He said the only thing that Planning Commission did not address was “farm”, but that amendment to the definition of “farm” is immaterial to what is being considered and he did not feel it is a problem. Mr. Gasior advised any time a proposal is amended before a vote, such an amendment to the proposal is to be germane to the matter thereof and in accordance with the recommendation of Planning Commission. He said it is germane to what Planning Commission dealt with. Mr. Gasior stated if Council agrees with the proposed changes, they could make a motion to amend the Ordinance and then adopt as amended.

Mr. Butkowski advised he understands the goal, but he felt they were blending the retail and commercial aspects into this Special Use for “garden center”. He asked how the City could prevent this from being used as a loophole in the future for a retail establishment.

Mr. Gasior advised it is an industrial district.

Mr. Butkowski said that is his point because they are putting a commercial entity in an industrial district.

Mr. Gasior advised it has to meet those guidelines.

Mr. Butkowski felt those guidelines are pretty broad as far as retail establishments with tools and hardware containers, machines and related products used for landscaping, gardening and maintenance of living plants. He said that is a broad definition to him. Mr. Butkowski stated a John Deere tractor facility could open under that guideline.

Mr. Gasior advised if a John Deere tractor facility were selling wholesale they might be able to be in an M-1, but it is zoned industrial and it would have to be a Special Use.

Mr. Butkowski asked if it was of such a wide berth that it would allow something that should be in a commercial district to utilize this as a loophole to get into an industrial district.

Mr. Gasior advised it is obviously a business establishment where products are sold at retail or wholesale. He said these products being primarily used in residential and commercial landscapes, gardens or indoor horticulture, but not limited to. He said if they look at Landmark Lawn & Garden Supply on Mills Road, they are selling mulch in bulk, but they are also selling it to small end users, which is basically retail users. Mr. Gasior stated he was sure Landmark was selling to landscapers because they have the capacity to do that and they also refill propane tanks. He advised when he reads this definition, what comes to his mind was a section of Lowe's or a Home Depot with an area dedicated strictly to garden center type materials and Pettiti's could be included in that as well. Mr. Gasior read, "except as otherwise required by applicable building and health codes, "garden center" uses may be largely or entirely conducted outdoors". He said they were not necessarily looking at a building as this could be something like selling related items from an outside stand. Mr. Gasior added they still have "commercial farm building" defined in the Code and that definition was cleaned up a little bit. He read, "packaging for sale or distribution, shipping, wholesaling or retailing including but not limited to a greenhouse, fruit and vegetable market, roadside stand". Mr. Gasior advised they are trying to separate the commercial farm building from the garden center so that they do not have a retail operation similar to Pickering Farms or the like taking place even though Pickering is in a commercial district and the Nagel Farm has a roadside stand and the City is separating that by definition. He said a garden center is not going to be there to sell produce similar to Pickering Farms, but is there to sell the supplies to grow the produce at residences. He felt they would be limiting it by that definition to a very specific type of almost a retail/wholesale operation as he can see a business such as Landmark being in a position like this one although in that case they would be on the industrial side of the zoning as Landmark is located in an M-1/C-4 overlay district. Mr. Gasior felt this definition puts Landmark clearly in the M-1 category, which he believes helps the City because arguably the C-4 overlay was placed on there for Landmark and with this new definition the City could argue that Landmark is really an M-1 operation and not a C-4 overlay and they do not have a Special Use only because they are grandfathered. He thinks the definition really separates them from any other type of use on that property and he does not believe it creates that slippery slope to where someone could argue it is retail because it is unique.

Ms. Fechter advised it also helps to further define a business such as Pettiti's Garden Center because they are not a farm.

Mr. Gasior noted Pettiti's is also in an M-1 district. He advised the City is looking at what is already located in an M-1 within the City and they are looking at getting specific about these garden centers because they are getting popular.

Mr. McBride advised if they look at some of the other permitted uses, whether permitted by definition or Special Uses, there are far worse uses in that district than some retailer sneaking in under this definition.

Mr. Gasior advised there are minimum lot requirements as well so it was not going to be like they could put something on a one acre lot as he believes the minimum lot size is three acres and they also have to have the frontage so it was not going to fit everyone's needs in that regard. He believed there was something on Lear Industrial Parkway about five or six years ago where someone wanted put mulch and store it in that area although he believes they were ultimately able to get a variance. Mr. Gasior said this solves that problem because the Code reiterates that the three-acre minimum, three hundred fifty-foot frontage is important.

Mr. McBride felt if needed they could exclude that type of variance.

Mr. Gasior stated the other thing is the Special Use. He said ultimately if a variance is requested they would have to give some indication to the City that it would be worthwhile to apply for a variance, then they have to go before the Board of Zoning Appeals for the variance and then they still have to come to City Council to get the Special Use permit. He said there are quite a few hurdles and opportunities for governing bodies to have input on how the operation is conducted.

Mrs. Holtzmeier asked Mr. Butkowski if there was any language that he would see as being appropriate to add to the legislation to alleviate some of his concerns.

Mr. Butkowski advised no, that he just wanted to ask whether it was clear enough or defined enough to be able to prevent that from happening. He stated if the Law Director is comfortable with that language then he is alright with that decision.

Mr. Fischer asked as a procedural matter since the public hearing was already held on April 13th, if Mr. Gasior could explain why it is okay to amend the legislation after the public hearing.

Mr. Gasior referred to section 1236.08 of the Codified Ordinances again saying that section of the Code does not seem to be concerned with when the public hearing takes place, but it is concerned with whether the subject matter is still germane to what the subject matter was before the Planning Commission. He said the definition of "garden center" was changed and made it clearer. Mr. Gasior stated the whole point of the recommendation from Planning Commission was that Council needed to address the specific entity of a "garden center" and get it into our Code and to amend the definition of "farm" to whatever extent it needed to be amended, and that is what has been done and it was tweaked a bit in the last two weeks. He said the gist of what is being considered for passage tonight was in front of the public at the time that the public hearing was held.

Ms. Fechter added at the time of the Planning Commission meeting, the applicant was aware that they would be discussing the minimum lot size and frontage requirement being considered. She stated it was more cleaning up of the "garden center" definition and the "farm" definition.

2. [ORDINANCE NO. 39-20](#) – TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,000,000 BOND ANTICIPATION NOTES OF THE CITY OF AVON, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS' PORTION AND THE CITY'S PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE IMPROVEMENT OF ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE, AND DETROIT ROAD BETWEEN THE ADDRESSES OF 34008 AND 34901 BY THE CONSTRUCTION OF A SANITARY SEWER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

Mr. Logan

The second of three readings will be at the Regular Meeting of Council on Monday, April 27, 2020

Mr. Logan advised this is the financing for the described project and they plan to sell the notes the week of May 11th should it get passed by Council that night. He said it would probably be in the market on May 12th or May 13th. Mr. Logan stated as of now they still plan on doing a negotiated sale which is the way our bonds and notes are sold with investors and banks bidding on them, but there are other options if that does not look favorable. He said another option would be a private placement directly to a single underwriter that would buy the note in whole. Mr. Logan stated they also have an option and were approved through the Treasurer's office for the Ohio Market Access program that is a credit enhancement program of sorts for selling notes like these. He advised \$4 million is the do not exceed amount and the City may borrow less than that amount depending on how the construction bids come in, which may be on the agenda two weeks from now.

Mr. McBride asked the current rates.

Mr. Logan advised they are about where they were two weeks ago. He said if they sold this note this week it would probably have a coupon of 1.6% or 1.7%. Mr. Logan stated they would not generate a lot of premium. He said cities have been somewhat successful in issuing notes of late.

Mr. Butkowski advised he read today that the Federal Treasury is buying more municipal bonds, but states and counties can also get some of that funds. He asked if the State could get some of that money thinking the City could give this debt to the State through the Federal government. Mr. Butkowski added that the County could help the City out by getting that loan from the Federal Treasury Department at a better rate than in the open market.

Mr. Logan advised they were looking into that possibility.

3. [ORDINANCE NO. 42-20](#) – REAPPROPRIATIONS

Mr. Logan

Mr. Logan explained that these funds cover the Civil Service entrance exams and promotional assessments for both Fire and Police Departments.

General Fund No. 101

Increase appropriations \$15,000.00 for Civil Service entrance exams and promotional assessments for both Fire and Police Departments.

Total General Fund Re-appropriations \$15,000.00

Total Re-appropriations all funds \$15,000.00

Mr. McBride asked Mayor Jensen if he knew how many people were eligible for promotions.

Mayor Jensen advised both in the Police Department and in the Fire Department they would be going right through the ranks, but there were not many positions open and they will not be replacing some positions right now. He explained for example in the Fire Department there is a lieutenant applying for the Assistant Fire Chief position since Mr. Emling is retiring soon and then the vacated lieutenant position will be filled, but the position vacated by the newly appointed lieutenant will not be filled until the City has some clarity as to what our finances are going to look like going into next year.

Mr. McBride asked if they had any idea as to how many entrance exams will be needed for Police and Fire.

Mayor Jensen advised for Police and Fire they are not doing any hiring, so they are not going to go through that process.

4. [ORDINANCE NO. 43-20](#) – TO AMEND CHAPTER 838 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO ADOPT CHANGES TO THE CITY'S REGULATION OF MOBILE FOOD VEHICLES
Mr. Gasior

Mr. Gasior advised this was originally addressed a couple of years back when the City wanted to make sure that the vendors operating these food vehicles at events such as the Duck-Tape Festival, Fall into Avon, etc. were operating within the confines of the law. He said Lt. Dudziak of the Avon Fire Department indicated to him that since that time, the way the Ordinance was written was not conforming to the practice of the Fire Department. Mr. Gasior stated Lt. Dudziak recommends the changes as spelled out in this Ordinance. He advised in section 838.02 (f) it is recommended that the seasonal special event vendor permit be changed to a seasonal vendor permit for a one-time per the calendar year fee. Mr. Gasior said in section 838.04 (c)(2) there will be a one-time special event permit valid for five days and the seasonal vendor permit would be valid for a calendar year. A permit is required for all mobile food vehicles in use in the City. He stated in section 838.06(c) Lt. Dudziak would like to strike “~~and the Avon Fire Department shall inspect all mobile vehicles~~” and add the words “**Mobile food vendors are responsible**” to ensure compliance with all applicable Federal, State and Local fire safety statutes and that the Fire Department is relying primarily on these agencies that govern these mobile food vehicles Mr. Gasior advised the Health Department inspects the food areas of these vehicles and the Avon Fire Department is counting on other inspectors to give the okay to operate these mobile vehicles. He said lastly Lt. Dudziak is proposing that the permit fee for the special event be waived and that the fee for the seasonal vendor permit be reduced from \$125 to \$50 annually. Mr. Gasior advised that Lt. Dudziak indicated that has already been the practice in the Fire Department as it is tough to track these vendors for the \$50 one-time special event. He said most of the one-time event vendors were at the Duck-Tape Festival and supposedly they were paying the \$50 fee to the festival organizers and the Fire Department was not able to verify that in any way, so it was impossible to track. Mr. Gasior stated that Lt. Dudziak’s position was to waive the one-time event fee as it was more work than it was worth. He added on the other hand with the seasonal vendor, \$50 was plenty to charge because the Fire Department was no longer attempting to do a full inspection.

Mr. McBride advised he was under the impression that when Lt. Dudziak originally brought this forward that the only thing the Fire Department was interested in regulating was the propane tanks and it sounds like they do not even want to look at the propane tanks now.

Mr. Gasior answered that Lt. Dudziak seems to think that there are so many other regulatory bodies in charge of issuing licenses for those vehicles that it really is not necessary for them to inspect them. He said the City needs to see that these mobile food vehicles have their verifications from these other agencies and that is all that is needed, and they have to produce that with the application for the permit.

Mr. McBride felt \$50 was really too cheap for a seasonal permit. He said a vendor at the Duck Tape Festival would easily be able to make that permit fee and then some from sales at that event. Mr. McBride added on the other hand, with the lower use when at the Little League park, even \$50 was potentially too much.

Mr. Gasior added that anyone under contract with the City, namely the Big Show, is exempt from this Ordinance. He advised the Big Show vehicles are still inspected, but they are exempt from this particular Ordinance as far as the permit fee is concerned because the City has a contractual relationship with this company. Mr. Gasior stated that he does not believe that Lt. Dudziak is suggesting anything dramatic except for the reduction in fees.

Mr. Butkowski advised if he remembers correctly, the reason this came about a couple of years ago was that the Fire Department was worried about vendors not following all the State and local regulatory requirements for the propane and to make sure all the hoses and other equipment were all in proper working order and properly connected so there would not be a hazard issue. He asked what changed between then and now. He said if before the City was relying on the State and local agencies to make sure those requirements were met, and now they are saying there is no need to have Avon's Fire Department inspecting because the other agencies were ensuring the requirements were met, what changed in those two years to say that the City does not need to look at that anymore?

Mayor Jensen believed part of it was when the Fire Department started doing the inspections, they found out that these vendors had already gone through all those other processes. He mentioned Railroad Brewing that has a food truck on their premises occasionally that they have all the necessary certifications and Lt. Dudziak discovered he was performing the same inspections a second time. Mayor Jensen indicated Lt. Dudziak felt the fee should be lowered or eliminated for those food trucks he was not doing anything beyond accepting their application. He advised if Council decides at some point to raise the fee again, they could, but Lt. Dudziak wanted to take a year to see what this would look like. Mayor Jensen stated the Fire Department is trying to make sure these food trucks have all the other inspections completed so when the City was doing them as well it was a duplication and Lt. Dudziak is wanting to simplify the process. He said they can always revisit it if it is not working.

Mr. Witherspoon advised he does not have an issue with the money at all but is concerned about the safety. He said church festivals and other small events come to his mind with propane cooking and having the proper inspections.

Mayor Jensen believed there are no inspections by the City required for those tents at a small event, but this is in relation to the food trucks.

Mr. Witherspoon said he does not have a problem with this change for the food trucks, but he is concerned about the little corn roasts and those kinds of small events.

Mr. Gasior suggested Council declare first reading on this Ordinance at the Regular Meeting and they would have Lt. Dudziak follow up at a future Work Session to answer Council's questions. He felt that way all of Council would be satisfied this is not a big safety issue, but rather an adjustment on fees. Mr. Gasior felt Lt. Dudziak could explain well how he is duplicating the efforts of other entities, but it would be good to hear it directly from him.

Mr. McBride thinks that at a lot of these events the vehicles have temporary power and water and he believes the Building Department along with some firemen are inspecting and monitoring the activity already.

Mr. Gasior added there is no hurry regarding this decision as events are being canceled for this season due to the virus.

5. REPORTS AND COMMENTS

MAYOR JENSEN advised he brought the Department Heads from his Administration back to tonight's meeting to update Council on what they have been working on since they have not been at recent meetings. He said Ms. Fechter will be explaining ways the City may be able to help small business. Mayor Jensen stated Mr. Cummins will be explaining the projects that will be pared down with the uncertainty of the budget and not knowing exactly what it will look like at this point. He said Mr. Logan sent out an email this morning about budget

reductions they have already been working on anticipating what will be before, us noting that they can always make changes as we move forward. Mayor Jensen advised Mr. Streator will address what is being done with regards to safety. He said he wants Council to know that from the very beginning of this outbreak that they have taken this virus very seriously because they know what the ramifications could be and as he listened to the report from Governor DeWine today, he was not encouraged as to when things would open up again and that it is all for our safety and he supports the Governor's decisions. Mayor Jensen advised the last income tax report was better than it was a year ago, but it is not yet reflective of what is happening in our community and we are probably two months away from seeing the actual impact. He informed Council that the UH Emergency Room has closed although their urgent care operations were still open. Mayor Jensen advised there are still construction projects moving forward which provides some comfort, but the uncertainty still has all of the Administration on alert as to what their budgets will look like toward the end of the year and even into the beginning of next year.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE mentioned that she attended her first virtual funeral today and it was for a 56 year old, who, by all accounts, 10 days prior was in good health. She stated the reason she mentions that event is that it is probably the first of many in the way that they are all living right now. Mrs. Holtzmeier added they are hopeful people and they all want to see the best come out of this and they all do things to help each other out, but she wanted to underscore that there is still a long way to go. She asked when they think about themselves, do they know of someone who is currently battling COVID-19. Mrs. Holtzmeier felt at some point, whether they could currently answer that question with a yes, they are all going to be able to answer it with a yes eventually. She emphasized this virus is very real, and while they are all hopeful that they will pass through this, to please remember to be safe and keep that social distancing in place and be vigilant about our behavior.

MR. MCBRIDE, WARD 2 advised the Fire Department has been promoting on social media all the local businesses where they have been buying their lunch. He added that Council Member Holtzmeier has far exceeded that effort with her detailed restaurant reviews on social media in promoting our local restaurants.

Mr. McBride advised he does not personally know anyone who has contracted the virus and is battling it right now, but he suspects that will change. He wished everyone good health and to stay safe. Mr. McBride stated he is assuming they will not know what the budget really is going to look like until the second quarter filing has come and gone.

MR. MOORE, WARD 3 had no further comments.

MR. RADCLIFFE, WARD 4 had no further comments.

MR. WITHERSPOON, AT LARGE had no further comments.

MR. FISCHER, AT LARGE advised he knows the safety services departments were receiving donations of personal protective equipment (PPE) when this virus first broke out in this area, which was great because they were in such high demand that they could not be found. He asked if that has leveled off and if our safety forces were getting the needed safety equipment and if was it becoming more readily available.

Mr. Streator advised it is becoming very readily available because of the donations from the community. He said the community support they have received has been outstanding. Mr. Streator stated they were just notified they should be receiving more PPE donations from Shur Tech this week. He said they have been very fortunate as the levels of PPE for our first responders are at an adequate level and they are working to ensure that all City employees also have the needed safety equipment.

Mayor Jensen advised he spoke with Dave Covell, Lorain County Health Commissioner today and sent him a picture of our Safety Forces removing someone from one of the nursing homes that was sick. He said Mr.

Covell was thoroughly impressed with how our first responders were suited up. Mayor Jensen stated Mr. Covell is always telling him that if a first responder goes on a call like that and they have all their PPE on that it is not considered direct contact. He added that when the squad returns to the bay it is immediately disinfected. Mayor Jensen felt they have a really good system in place although they are still very cautious, and he relayed the protocols in place for these situations and that they take all necessary precautions. He added the donations from the community has been phenomenal.

Mr. Fischer advised it was disconcerting to hear they still could not buy PPE and he agreed we are lucky to have groups that have generously donated. He asked if there was any idea as to when that would become more readily available and they could rely on themselves to purchase the needed safety equipment.

Mr. Streator advised the County has found some sources through some the State channels and have funneled them through the different first responders in the County. He said some avenues they have tried to purchase equipment through want the money upfront and can only give them an eight week turn around for it to be received so that has not worked out, but they continue to try other channels.

Mr. McBride asked if they were sterilizing masks for reuse.

Mr. Streator advised yes, they are working with a couple places regarding sterilizing the equipment, but they have not gotten to that level because our supply is adequate. He said our protocols in responding to those types of cases and being able to still swap out some of that equipment has worked well so far. Mr. Streator stated they are prepared to send masks to be cleaned if needed, but they are not at that level yet.

Mayor Jensen advised they are keeping the used masks as a last resort and continue to use new ones as long as possible.

Mr. Fischer advised it was nice to have Mr. Cummins, Ms. Fechter and Mr. Farmer back at the meetings and he felt it was a step toward normalcy.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, advised he has been working with various Department Heads to still accomplish what is required to be done but minimize efforts that could be postponed for a few months until they get a good handle on the budget conditions. He is postponing the GIS program and sanitary sewer flow monitoring and those types of things for a couple of months to see what is going on. Mr. Cummins stated as far as what they have been working on, there are construction projects going on: French Creek Road Sanitary Sewer is well under construction and is moving along nicely, Chester Road by American Way is back to work looking to be finishing up around the beginning of June. He added they just awarded a couple of projects: the 2020 pavement program and some storm sewer work at Veterans Park and those projects will be getting underway shortly with some pre-construction meetings. Mr. Cummins stated regarding the Elizabeth, Puth and Joseph project, they received bids last week on that project and will be coming back with a recommendation very shortly as well as there will be some work for Council relative to a right of way and property rights and the like and acquiring those rights. He felt there would be a few that would be outstanding that would be before Council and that hurdle needs to be cleared away in advance of awarding the project.

Mr. Cummins advised back in October of 2019 Council passed Resolution No. R-29-19 authorizing the administration to seek a grant through NOACA for a multi-purpose path along French Creek Road. It is approximately a \$1.1 million project. He said they sought a grant of \$400,000 toward that project and received notice from NOACA at the beginning of April that they would award a grant of \$250,000. Mr. Cummins stated they will be looking for some direction from City Council about proceeding with that project. He said if they wish to proceed there is a small amount of work that is required before the beginning of June, but the rest of that design could be postponed for the remainder of the year if Council chooses or they could continue on with the project. Mr. Cummins advised those are the types of decisions that will be coming before City Council asking for some direction, but he noted it was nice to be awarded \$250,000 but it leaves questions in the current economic state.

Mr. Radcliffe asked about the sidewalk improvement program. He said this is the time of year when Council is provided a list of areas to be improved and he asked if that program will be moving forward.

Mr. Cummins advised there is a small section 600'-800' along Moon Road that has been identified and there was a survey crew onsite last week and they will be putting those plans together. He said they will be coming before City Council with a Resolution of Necessity once those plans are prepared.

Mayor Jensen advised that Mr. Schneider, the Zoning Enforcement Officer, should have reached out to Council by email asking if there are other sections they are aware of that they would like included in the sidewalk improvement area for this year. He said in discussions with Mr. Gasior with regards to the legislation, they will be adding a COVID-19 statement that if someone is experiencing a hardship that they can petition Council to say they cannot afford the improvement at this time.

MR. FARMER, SERVICE DIRECTOR, advised the Service, Utilities and Parks Departments have all pitched in and worked together. He said they have done some drainage projects that were able to be self-performed saving the City some labor costs. Mr. Farmer stated they are going to look at some of the City properties to have the City crews mow instead of having the outside company mow to try to save some money. He advised on SR83 and Detroit Road they were installing the conduit and the fiber optics that was being self-performed as well. Mr. Farmer said they were trying to find any way they could to save funds during this time. He stated City crews were still providing services such as chipping branches and anything they can to help the residents and businesses and were doing the best they could while keeping budgets in line and saving money wherever possible. Mr. Farmer advised they are looking at installing plexiglass in public areas of City facilities before opening to the public such as the concession areas at the pool, City Hall and Utilities Buildings to try to be ahead of the curve as these items are likely to be in high demand.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR, advised she had a proposal to help Avon's businesses during this difficult time. She provided handouts to Council and explained they are partnering with the City of Avon Lake, Avon Lake Local Schools, Avon Local Schools as well as Mercy Health, University Hospital and the Cleveland Clinic to do the "COVID-19 Heroes Fund". Ms. Fechter stated they want to recognize the frontline workers in the healthcare industry who are dealing with this virus every day. She said they are requesting those wishing to help to purchase gift cards from a local restaurant as another way to help our businesses. Ms. Fechter stated they will present the gift cards, monetary donations, or a donation of protective equipment to the healthcare facility of the giver's choice. She said on May 8th they will drop off the donations at the healthcare facilities and they will make sure they are delivered to the frontline workers.

Ms. Fechter advised April 28th has been designated as "Heroes Day" and at 7:00 p.m. they are asking residents to go outside on your property or go to the Cleveland Clinic in Avon or University Hospital in Westlake or Mercy Health campuses and make lots of noise cheering on the healthcare heroes and show your support for what they are doing every day.

Ms. Fechter advised the City's business consultant, Sheri Seroka reached out to every restaurant in the City and compiled a list of every restaurant that is open and their hours of operation and services; curbside, delivery, etc. for access on www.allaboutavon.org

Ms. Fechter advised they also reached out to every essential business and updated their hours of operation on the website and talked to them about what the City can do to help. She said with that they looked at every program that has come out to assist businesses during this crisis whether from the Federal, State or County to see if they can find money to help Avon's businesses who may be struggling. Ms. Fechter said in talking to these businesses they are finding out that some that were already struggling may not survive. She added businesses that were doing well before the crisis are hesitant now. One business was about to expand two months ago and has since pulled back and is not sure how he is going to pay his light bill. Ms. Fechter advised they are hearing these stories over and over, but all of the different mechanisms they tried to find for assistance fell flat. She said the City looked into setting up a Community Improvement Corporation (CIC) to be able to work with some of those monies, but that does not exist at this time. Ms. Fechter explained many of the other cities are getting direct input monies from Community Development Block Grant (CDBG) funding such as Elyria and Lorain. She said they may have heard where in the City of Lakewood they are giving businesses up to \$2000-\$3000 per business from these CDBG funds to help pay their rent or so forth during this time. Ms. Fechter advised unfortunately, because Avon is an affluent community, they do not have those kinds of funding options available because they are available to Low to Moderate Income (LMI) areas. She said the County has partnered with a Small Business Development Association and they have come up with a program called the Lorain County COVID-19 Business Relief Grant. Ms. Fechter advised so far this program has been funded by Jump Start, many of the area credit unions and banks and others set up to help the entire County. She said there is a whole process of eligibility criteria for the application. Ms. Fechter said applicants can get up to \$2500 and

can use the funds for any expense that occurred after March 15th when this crisis started whether for rent, insurance, utilities or the like. She explained what they are asking Council for is to put some money into this Business Relief Grant fund and any monies Avon puts in can be set aside for Avon businesses. Ms. Fechter stated it is set up similar to a Community Resource Services (CRS) or a Neighborhood Alliance to give money to the group and the businesses go through this application process to make sure only Avon businesses are helped with these monies. She said what Ms. Seroka is hearing from a lot of businesses is that they just need something to get them through to pay a utility bill or their employees etc. Ms. Fechter felt these businesses are at a point where anything helps and while the City has to watch their budgets too, she is asking for Council to approve \$50,000 to put into this fund to help Avon businesses. She said her Economic Development budget can also put in \$25,000 for a total of \$75,000 to show some of these small businesses that we care and want them to stay open. Ms. Fechter stated what she likes about the Lorain County program is that it is modeled after Stark, Summit and Cuyahoga Counties as they already have established programs and the Lorain County program is already set up and ready. She said the funds started at the County with \$85,000 and they are out of money. Ms. Fechter advised they received 35 applications and 34 were funded and out of those 34, only 4 were Avon businesses. She said her thought is to return the money that those 4 Avon businesses received to help other businesses in the County and then the City would try to take care of our Avon businesses. Ms. Fechter stated they could probably come up with 35-40 businesses they would be able to help. She felt this is the easiest mechanism to help and she was looking for Council's support.

Mr. McBride felt symbolically whether \$10,000 or \$100,000 that this is just good public relations and it will show the businesses that while the City is tightening its belt by delaying some projects that they are showing good will to Avon's businesses although they may receive some criticism.

Ms. Fechter said a lot of our small businesses that they have talked to have that feeling that the City only cares about the bigger businesses and that is not the case.

Mr. McBride agreed and said this is a good idea. He felt it would be nice to put \$250,000 in this fund, but he did not know if the City was in any position to do that until things become clearer. Mr. McBride advised since Avon is on the edge of the County, the application states that 50% of the business' employees have to be permanent Lorain County residents and he did not know if that should be a requirement.

Ms. Fechter advised that requirement was also brought up by a fellow Council Member. She said because of where we are located within the County, a lot of the people in our retail businesses are probably from Cuyahoga County coming into Lorain County to work. Ms. Fechter stated being that this money would be only for Avon businesses, it may be something that the Lorain County Chamber would allow Avon to waive that requirement.

Mayor Jensen advised many of these businesses will not want their name out there that they accepted aid, but he felt the City could work with the Chamber to track those businesses and report back at the end of the year if it was successful while still keeping their name private. He advised once the economy opens back up the City would recoup these funds in tax revenue. Mayor Jensen said we care about all the businesses and residents in the City, but the smaller businesses are really struggling right now. He added when the small business money from the Federal government came out that money was gone before many were able to be helped. He felt this is one way to show that we care and he hoped Council would consider supporting this effort.

Ms. Fechter felt it was important to realize some of these businesses were not going to make it even with some help and the criteria to determine who is going to get this funding is with that in mind.

Mr. McBride agreed as that was like throwing good money after bad and said while they do not want to see any business fold there needs to be some criteria. He said there are a number of businesses that have donated to the community time and time again since they have been open over the years and if \$3000-\$5000 keeps them open through this crisis, they have given more than that to community organizations.

Mr. Moore asked regarding the eligibility requirements, if businesses would get access to these funds if they were denied Paycheck Protection Program (PPP) loan. He asked if they were eligible for both.

Ms. Fechter said yes, they could apply for and receive both.

Mr. Moore questioned whether that should be allowed since there were businesses who were not able to get the PPP loan. He felt they should consider if a business has already been helped if they are still eligible for these funds.

Ms. Fechter advised she would verify with the Chamber that if they are still in line for the PPP or if they are denied if they are still eligible for these grant funds, but she believes it is in addition to other funding

assistance. She said the one unique thing about this program is that the only people who are eligible are ones that have been shut down. Ms. Fechter stated essential businesses who are still operating are not eligible for this money unless they are a restaurant with a dining room.

Mr. Butkowski asked regarding the overall dollar amount being considered, what is the number of eligible businesses that would qualify based on the criteria.

Ms. Fechter answered 113 businesses in the City of Avon but said she would double check as the one nuance she overlooked was if they were an essential business and still open, they did not qualify, and she wanted to confirm that number. She said the Chamber received 17 applications from Avon businesses and only 4 of those were funded. Ms. Fechter stated they have closed the application processes because the County ran out of funding, but if they choose to do this they would open it back up and look at those 13 businesses who have already applied first.

Mr. Butkowski asked if the Chamber gave perspective as to how much funding they have received to start this program.

Ms. Fechter advised the Chamber was only able to fund 34 businesses in the County with \$85,000. She said the Chamber was disappointed because they had hoped they could get some funding from the County, with the Nord Family Foundation and Jump Start in cooperation with a couple of credit unions and banks.

Ms. Fechter mentioned that Big Frog, an Avon business, is making t-shirts that say, "Lorain County Strong" with a picture of the County on it for sale with \$10 of each sale going into this grant program.

Mr. Radcliffe said he likes this program and he likes the rules and the additional criteria in place versus the PPP program that was out there. He encouraged his fellow Council Members and the Administration to strive to go for a goal of \$100,000 total to help 40 businesses. Mr. Radcliffe understood they may not be able to if the finances do not allow for it, but he felt it is really important for a lot of these smaller businesses, especially those that have supported the Schools and the City over the years continuously. He said this is a spectacular thing and he supports it and he strongly encouraged them to try to do what they can to help

MR. GASIOR, LAW DIRECTOR advised he would be emailing the recent Ohio Ethics Commission newsletter where they addressed the issue of Executive Sessions and whether there is a consequence to divulging the information outside of that Executive Session. He stated the Ohio Ethics Commission says, "yes there is". Mr. Gasior advised it is important information and the decision was just handed down on April 17, 2020 and something to take into consideration.

MR. LOGAN, FINANCE DIRECTOR advised the cause that Mayor Jensen and Ms. Fechter are putting together is great and he is all in favor of it. He said obviously the City has been in a good position for a few years and our audits have gone very well and we are going to finish 2019 audited financial statements way up from 2018. Mr. Logan advised he looks forward to his next Moody's conversation as the number are all pointing the right way and the General Fund reserves have been growing. He said we have been doing the road programs every year with cash, borrowing very little and paying down our debt. Mr. Logan asked Council to read through what he sent out regarding the state of the budget and there are a lot of communities in a lot worse shape than what the City of Avon is going to be. He said they are looking at 7.5% to 8% revenue decline and the biggest piece of that is income tax. Mr. Logan stated they will not know enough yet, but they will see some decline from the restaurants and retail stores, but our top 25 corporate taxpayers, with Cleveland Clinic being number one, they just do not know until they can see a few months worth of withholding what kind of impact it is going to have on the City. He noted that if employees are working from home the businesses are still required to withhold local income tax for the City in which the business is located. Mr. Logan said it is too early to tell. He said the City received \$195,000 from the Bureau of Worker's Compensation as part of what was decided to send back to businesses and governments throughout Ohio, which was a welcome addition. He would keep Council updated as things change, but they need more time to see actual losses. Mr. Logan suggested if Finance Committee wanted to meet to discuss any of these budget items they could. He appreciates the Mayor and all the Department Heads as far as delaying certain projects and saving money where they can, and he has no idea what next year is going to look like. Mr. Logan mentioned the tax budget will need to be passed in July.

Mr. STREATOR, SAFETY DIRECTOR, advised one of the biggest things they are working on for the first responders is making sure that all the employees have the proper protection equipment and based on

that they are reviewing all the protocols after responding to a COVID-19 situation both in the Police and Fire Department. He said based on that, seeing how they can do things better and how they can better protect the community. Mr. Streater advised mainly in the Police Department they are promoting social distancing and it is a challenge and they are working with the community to do the best they can. He said they have also been involved in recognizing the healthcare workers which is important. Mr. Streater advised he has also been involved with the Fire Department with regards to their promotional process in preparing for some changes in the Fire Department. He said he has been working with Chief Root in some of the ongoing projects and working with the Finance Director to see what they can do with some of those situations. Mr. Streater thanked everyone for the warm welcome and working with everyone so far has been great and the transition is going very well and he looks forward to the future here in Avon.

AUDIENCE:

There were no comments from the audience.

6. ADJOURN: 8:18 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