

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 17, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 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 Streator; Clerk of Council – Barbara Brooks

ABSENT: 2nd Ward - Dennis McBride

1. ORDINANCE NO. 38-21 – DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF AVON TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND Mr. Logan

Mr. Logan advised this is the City's fourteenth TIF agreement and came about when Mr. Gasior asked him if property at the corner of Mills Road and Jaycox Road, which recently sold, was already TIF'd and after some searching, he confirmed that it is not. He said when the City put in the thirteen TIF agreements between 2006 and 2012, they never got as far south as Mills Road. He said they thought now would be a good opportunity to TIF that property although they will not catch the increment of the three parcels that already sold, which are the first three parcels on Mills Road heading east from Jaycox Road. Mr. Logan stated they would like to catch any future development as the area is for the most part commercial and industrial zoned properties. He advised there is an Exhibit A attached to Ordinance No. 38-21 and the second page of that Exhibit A is the map that indicates all the parcels to be TIF'd almost all the way to Nagel Road, which include some residential parcels that could become commercial at some point for a total of 21 parcels. Mr. Logan said this TIF Ordinance is very much like the other TIF agreements that the City has put through in the past in that it is a 30-year 100% exemption non-school TIF. He stated what that means is that the Avon School District and the Vocational School will still receive exactly what they would have had the City not TIF'd these properties. Mr. Logan advised the Ordinance is being reviewed and will be tweaked somewhat and they would have it for Council by that first Work Session in June.

Mr. Gasior advised Council would not be acting on the Ordinance next Monday night, but he would like to have it in its final form so that the Clerk can send it out with notice of the Public Hearing on the 7th of June 2021. He said if Council chooses to act, they could act on June 14, 2021.

Mr. Logan advised a new feature called a rolling TIF Ordinance came about since the City last TIF'd a property back in 2012. He said when a property is TIF'd, they receive the benefit of the incremental value over the base value and that TIF generally runs for 30 years from the date of the Ordinance. Mr. Logan explained if the property never develops over that 30 years if that base value remains the same then the City would receive nothing additional in the TIF. He stated by putting in what is called a rolling TIF, if the property value does increase by a certain amount then the City will get that additional TIF money on that increment. Mr. Logan said if it does not go up for 10 years, for example, the City can roll those parcels so that when the value does go up the City will get 30 years of incremental TIF revenue over that 30 year period.

Mr. Gasior advised typically the 30 year clock starts on the day the Ordinance is passed and with the rolling TIF the difference is that the Ordinance could be passed in 2021 with this special language inserted and if a parcel does not develop for 10 years then that 30 year clock does not start to run until that value increases. He said with these parcels that are being proposed to be TIF'd, that area is in flux right now depending upon what

happens at the corner of Jaycox Road as they do not know what could end up happening further east. Mr. Gasior stated it is all zoned industrial with the exception of about 5 or 6 parcels that are zoned residential. He advised the rolling TIF is an ideal situation for the City.

Mr. Logan advised the last TIF, No. 13 that the City did was on the three parcels where City Hall is sitting and as a government organization, the City is exempt so there is no incremental value now. He said if and when they sell these parcels, and it becomes commercial then the City will be in line to reap the TIF benefits. Mr. Logan stated prior to that, TIF No. 12, all the commercial areas were TIF'd that had been missed with the first 11 TIF's, but they did not get as far as Mills Road as it was farmland at the time and designated as agricultural. He advised now, they would like to TIF that area and if there are other pockets that were missed throughout the City, they will probably TIF those as well sometime in the future. Mr. Logan reiterated that the schools will stay whole and the City benefits as the City uses that money toward certain infrastructure improvements, but the City picks up millage that the County would have otherwise received by having that TIF in place under ORC Section 5709.42. He emphasized the City gets the TIF on the incremental value and they also get incremental revenue from that additional millage and it does not affect the schools. Mr. Logan said they should point out that Exhibit B is the listing of the infrastructure improvements that these TIF monies may be used for. He stated the final five items in bold print are all new items that have been added to the list and the language will be fine tuned before it is presented for a vote.

Mr. Butkowski advised he is aware there is an agreement between the City of North Ridgeville and the City of Avon with regards to maintenance for Mills Road, but he does not remember where that split is between the two cities for responsibility of maintaining. He asked if these parcels are in Avon or North Ridgeville's area.

It was noted that east of Jaycox Road on Mills Road is Avon's responsibility and west of Jaycox Road is North Ridgeville's responsibility.

Mr. Logan advised the property that is being TIF'd is in Avon.

Mr. Fischer thanked Mr. Logan as his question was addressed as to whether there are other Avon properties that still need to be addressed regarding TIF agreements.

Mr. Logan advised there are very few properties remaining that are not already TIF'd.

2. ORDINANCE NO. 39-21 – TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH MERIDIAN CONSTRUCTION & DESIGN, INC. FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AT 31880 MILLS ROAD Ms. Fechter

Ms. Fechter deferred to Mr. Cummins.

Mr. Cummins advised the applicant is developing the property at 31880 Mills Road and will be installing approximately 60' of storm sewer to enclose the ditch. He said the Developer's Agreement will ensure that this storm sewer will be accepted or turned over to the City. Mr. Cummins stated it will be constructed in the manner meeting City standards and will be inspected and then will come back before City Council for acceptance.

Mr. Gasior advised this still has to go before the Planning Commission on Wednesday, May 19th. He said what Council has in front of them is preliminary until the Planning Commission makes a recommendation back to Council and then Council can decide whether to act on Monday, May 24th.

Mrs. Holtzmeier advised the language in the agreement and the Ordinance did not specify what this development is. She asked what is located on the property.

Ms. Fechter advised it is going to be a single-family residence.

Mrs. Holtzmeier thanked Ms. Fechter for that information. She said within that R-1 zone there are some properties around it that have recently been built that already have sidewalks and she noticed the agreement proposes that they would not be required to put in sidewalks, and she asked why that was.

Mr. Gasior advised he has not finalized the agreement and some of the language is from a previous template, but they will definitely be requiring sidewalks.

Mr. Cummins advised in addition, the proposed sidewalks are shown on the house topography plan for the actual structure being built and sidewalks would be required, as with all new houses, to be constructed at that time.

Mr. Gasior advised his intent was to finalize that after they get through the Planning Commission on Wednesday night.

Mrs. Holtzmeier said it was understood and that she was not aware of the dominoes to fall. She stated she will look for that to get cleaned up as they did not have any maps to this Ordinance.

Mr. Cummins advised this Ordinance only deals with the public infrastructure portion as there is another plan dealing with the construction on the lot.

Mrs. Holtzmeier said she can appreciate that and thanked them for the information.

Mr. Gasior advised they are trying to assist the property owner and with the fifth Monday in this month and then with the Planning Commission not meeting again until the middle of June that if Council can act on this between now and the 24th of May, it would save the property owners a considerable amount of time on getting this construction done and getting his house built. He said that is the other reason why they are moving this quickly through.

3. [ORDINANCE NO. 40-21 - REAPPROPRIATIONS](#)

Mr. Logan

Mr. Logan advised there was just one item and is a request from the Police Chief as follows:

Special Revenue Funds

Police Department Equipment Fund No. 220 Increase appropriations \$12,500.00 for the replacement of a digital copier used in the Records Department to reproduce video evidence for court and fulfillment of public records requests.

Total Special Revenue Re-appropriations \$12,500.00

Total All Funds Re-appropriations \$12,500.00

4. REPORTS AND COMMENTS

MAYOR JENSEN had no further comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 was absent.

MR. MOORE, WARD 3 advised he would be absent for the June 14th Regular Meeting of Council.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE advised he would like to call a meeting of the Parks and Recreation Committee of Council on June 7th at 6:45 p.m. in Council Chambers to discuss the proposed dog park. He asked that the Recreation Coordinator attend that meeting to address the proposed plans. Mr. Witherspoon said he spoke with Ms. Fechter, and she is willing to attend that meeting as well and the other two committee members agree to that date and time as well.

MR. FISCHER, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised this week, they are working on and hope to have before Council for next Monday, a Resolution authorizing the submission of a grant application. He said it is an Ohio Department of Natural Resources NatureWorks Grant. Mr. Cummins stated they are finalizing the project that they are applying for as far as what that will be in cost estimates and the like and he hopes to have those details and get it to Council this week so that they have it in advance of next Monday's meeting for potential consideration.

Mr. Cummins advised secondly, they would also potentially have before Council next Monday an Ordinance to accept the bids for the Jaycox Road-North resurfacing project, which is from Chester Road to south of the railroad tracks. He said the bids came back very favorable and were opened on Thursday, May 13, 2021 and his office finished their review on Friday and he believes they will have an Ordinance awarding a contract for that project for Council to consider next Monday as well.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. LOGAN, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE:

Corey Barnes of 4676 Churchill Drive asked if the City will be receiving any federal funding as a result of the American Rescue Plan Act that is being distributed currently to various municipalities.

Mr. Logan confirmed the City of Avon is slated to receive just under \$4.6 million according to the last estimate he received. He said it will come in two payments with half being received this year and the other half about a year from now. Mr. Logan advised because Avon is a City under 50,000 population they will not receive the funds directly from the federal government, but will receive it from either the State Treasury or it will be distributed to the counties and the counties will distribute to the cities under 50,000.

Mr. Barnes inquired if the City has decided how they were going to use those funds as he knew it was earmarked for very specific purposes.

Mr. Logan advised the funds can be used broadly although he has not read all 151 pages of the Treasury guidelines. He said they are waiting for a couple of law firms to come out with their interpretations.

Mr. Gasior advised they are expecting some seminars on the topic.

Mr. Logan advised the funds can be used for revenue replacement as defined in the guidelines, infrastructure such as water, sewer and broadband type projects, and what is known as a premium pay or a pay for people that were directly involved in fighting COVID last year such as Avon's safety forces. He reiterated it is still very broadly defined. Mr. Logan indicated he and the Mayor have briefly discussed how to use some of those

funds and it has been mentioned to Council, but the funds have not been officially earmarked as yet. He said the City has until the end of 2024 to use the funds, so they do not have to rush.

5. ADJOURN: 7:43 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