

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 20, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward - Dennis McBride; 3rd Ward - Tony Moore; Council-at-Large – Michelle Patton; 4th Ward - Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streater; Clerk of Council – Barbara Brooks

ABSENT:

1. UPDATE FROM THE VILLAGE PROJECT

Meredith LaVecchia, Executive Director

Ms. LaVecchia thanked Mayor Jensen and City Council for allowing her the opportunity to provide an update on the Village Project and what they have been doing in Avon and other communities. She said the update would include an overview of the funding that Avon provided their organization last year and where they stand today. Ms. LaVecchia advised the Village Project is a non-profit organization that feeds families fighting cancer. They are unique and provide services for families going through active cancer treatment. They provide nutrient dense foods for up to six months at no cost to the families for their clients that are residents of Avon, Avon Lake, Bay Village and Westlake. She stated they know that cancer affects everyone and at Village Project they can provide nutrient dense foods to the entire family free of charge for up to six months because of the overwhelming support from these communities such as Avon and they appreciate their help. Ms. LaVecchia said they know that dealing with cancer is devastating to the family and once a diagnosis is received it wreaks havoc on the patient and the family caring for them. The Village Project is available to help alleviate some of the burden that these families face. The meals are prepared by teens and adults, and they also have a community garden that offers the volunteers an opportunity to plant, cultivate, and harvest vegetables and herbs that are used in their kitchen. She said the food scraps are composted and used to fertilize the garden. Elementary students create hand painted vases to hold flowers and note cards that the kitchen volunteers sign, and they learn about who they were serving and preparing the meals for each week. The Client Intake Coordinators are the voice of the organization as they were the ones that the clients talk to when first diagnosed and learn of the services provided by the Village Project. The Delivery Angels are the face of the organization as they deliver the meals each week. There is also a Village Project Market that is stocked with items from local vendors and those proceeds go to help feed more families.

Ms. LaVecchia advised since 2010 the Village Project has served 84,000 meals to over 500 families in these five communities. The program was born in 2010 in the basement of a church in Bay Village and they now have a commercial kitchen in Bay Village on West Oviatt. The unique state of growth they are experiencing started last year was because Avon City Council allowed them to come and present to them for the first time. She said they have been making sure that Avon knows who we are and what we are about, and they have seen a tremendous growth. Last year, the Village Project served 6,500 meals, and that number increased by over 20% in the first quarter of 2024 compared to 2023. This week they were serving 33 families and that number ebbs and flows each week. She said last year they were serving about 23 families, so they were slowly increasing the awareness of their program. Ms. LaVecchia said it costs approximately \$2,000 to serve one household for six months and a household average is about 2.6 people served. She advised since January 2023, the Village Project has served 408 individuals in Avon and have provided 1,224 meals over a 6-month span. She clarified that some clients may need their services for 4 months and some may need it passed the 6-month mark as that is determined on a case-by-case basis. Ms. LaVecchia advised to date; the investment made in supporting Avon residents is over \$12,000 from January 2023 to the present. Avon City Council helped tremendously with the \$8,000 donation last year and that is truly appreciated and said they have made a lot of great in-roads in Avon and they were continuing to see those numbers increase in Avon.

Ms. LaVecchia reiterated that the program began in 2010 in a small Presbyterian Church in Bay Village. She said since then they have grown and have served 84,000 meals and they are the only organization in Northeast Ohio to provide free meals to individuals and their families battling cancer. They are 100% funded by individual contributions as well as some grant funding and some limited community/corporate donations. Ms. LaVecchia stated thanks to Avon's support, they have since approached other City Council's and they have been fortunate to have received more support from some other municipalities. She said they appreciate that Avon City Council was groundbreaking in getting them started on that path.

Ms. LaVecchia advised the Village Project has quite a few partnerships including Community West Foundation, Foundations Health Solutions, Cleveland Clinic, Dance Center, SpyGlass to name a few existing partnerships. She said they have also acquired some new community collaborations and corporate sponsorships such as Kiwanis and Bendix and they are grateful for all the support.

Ms. LaVecchia advised some of the goals for the Village Project for the next 12-24 months are that they never want to charge the client and they have stayed true to that from the day they started the program and they do not plan to ever charge. She said they do plan to meet the growing population with this need that they know is out there. They know there are more people out there in need of these services and their goal is to reach them. They plan to do this by continuing to raise awareness by meetings such as this one, being present out in the community meeting with corporations, volunteers, hospitals and social workers and continuing to build those relationships. Ms. LaVecchia stated they also plan to grow their volunteer base as this year they added about 25 students from Avon High School. She commented that an Avon student is being awarded a \$1,000 scholarship from the Village Project for the first time ever and they are grateful and proud of that accomplishment. The hope is to increase the number of individuals and families served.

Ms. LaVecchia thanked the City for all the support they have given them over this last year. She said it has made a difference in their ability to be able to serve the residents of Avon. Village Project's partnership with the City of Avon has been groundbreaking. Last year, they requested \$8,000 and Mayor Jensen generously offered to increase it up to an additional \$7,000 if it was needed. Ms. LaVecchia advised they chose not to ask for additional funding beyond the initial \$8,000 as it was a new relationship and they wanted to honor that new relationship and be respectful that Avon had faith in their program with the initial \$8,000 and they are extremely grateful. Ms. LaVecchia stated that this year they would like to ask for \$10,000 as it cost over \$12,000 last year to serve the Avon residents. She said if they need additional monies beyond the \$10,000 she would ask, but she wanted them to know how grateful they were at Village Project for all that Avon has done.

Ms. LaVecchia advised like most non-profit organizations they rely on grant funding and private donations to fulfill their mission. However, grant funding has become increasingly hard as more small organization fight for those same dollars. Additionally, private donors are facing financial concerns also making it harder for them to contribute as generously to the many organizations they choose to support. She said Avon's continued support is crucial for the Village Project to help them sustain their program and continuing to make a positive impact on Avon's residents. Ms. LaVecchia thanked them for their consideration.

Mr. Fischer advised City Council approved to give the Village Project \$8,000 in 2023, but \$15,000 was allotted. He said he heard her mention that they used \$12,000 in Avon and yet they did not come ask for more than the initial amount.

Ms. LaVecchia advised it was a new relationship and they wanted to be respectful of that and they appreciated that there was additional funding set aside, but they had never approached a City Council when they came before Avon City Council last year and they wanted to be mindful and respectful of that relationship. She said now that they have a firm grasp on how many Avon residents are being served and what kind of budget they expect moving forward.

Mr. Fischer asked Mr. Presley if those additional funds were in an account that Council already approved or was it a part of the General Fund.

Mr. Presley advised it is budgeted up to \$15,000 this year and that is available. He said it was up to Council to decide how they wish to distribute those funds to the Village Project.

Mr. Fischer said his personal opinion was that since the \$15,000 was allotted in 2023 and the Village Project used \$12,000, he felt that as long as they had the proper records for spending that amount and that they were serving the citizens of Avon, which is what Council supports, he was in favor of providing them the additional monies to bring them current. He advised that would leave \$3,000 that was allotted last year and they could put that toward 2024. Mr. Fischer said he would recommend budgeting \$15,000 and providing the Village Project with \$10,000 and then if they need the additional \$5,000 that they could let the City know.

Ms. LaVecchia advised they could provide whatever documentation they require.

Mayor Jensen asked Mr. Presley if the \$15,000 was budgeted for 2024 to which Mr. Presley confirmed it was.

Mr. Presley advised the City provided \$8,000 in 2023 out of the budget. He said he was waiting for information as far as reports to provide more funding and as Council heard, Ms. LaVecchia did not want to do that last year. Mr. Presley stated the Village Project was given the initial \$8,000 and they did not make the additional \$7,000 donation and the 2023 budget is closed. He advised in 2024 they have budgeted \$15,000 for this organization.

Mayor Jensen advised his recommendation would be to donate \$12,000 and once those costs go above that amount, Ms. LaVecchia could reach out to Mr. Presley in the Finance Office and since it was already approved for up to \$15,000, she would not need to come back before City Council unless they should ask for and needs funds above the original \$15,000 budgeted. He said he and Council are very appreciative that this organization helping people in their lowest moments, and they do not want anyone to go hungry.

Ms. LaVecchia said they appreciate it.

Mr. McBride advised of the \$12,000 spent, City Council donated \$8,000 in 2023 and he asked if that initial \$8,000 took them through the end of 2023.

Ms. LaVecchia advised it takes them through to the present. She said it all of 2023 through the beginning of May.

Mr. McBride asked that was the \$12,000 to which Ms. LaVecchia answered yes.

Mr. McBride asked what they spend in 2023 and how much have they spent in 2024.

Ms. LaVecchia advised at the end of 2023 they spent approximately \$10,500 so the remainder of the \$12,000 was through the first five months of 2024.

Mr. McBride asked when the City provided the funding in 2023.

Mr. Presley said he believes it was around March or April of 2023.

Mr. McBride surmised that \$15,000 sounds about right. He advised there was another non-profit that the City donates funding to, and Council was upset when they discovered that there were people not being served because they had not asked for more funding when it was needed. Mr. McBride said Council was happy to provide additional funding if they had been made aware it was needed. He advised the same holds for this organization and suggested that if the service is needed that they should provide it and City Council will make them whole as long as they are made aware.

Ms. LaVecchia said she appreciates that. She said the Board Members of the Village Project were very cognizant of this was the first time asking for funding from the City of Avon and they did not want to overstep. She stated they knew it was offered and were truly appreciative of that, but they wanted to be respectful of this new relationship. Ms. LaVecchia advised she was glad to come here today and share how much of an impact they have been able to make in Avon and how they are reaching new people.

Mr. McBride said he assumes the Village Project organization is a 501(c)(3) and asked if they were limited to serving cancer patients and their families to which Ms. LaVecchia answered yes, active cancer treatment.

Mr. Moore advised he serves on the Board of the Village Project, and he indicated that he tries to keep a separation between the two roles. He said as a Board Member he wanted to thank City Council for their support of this organization. Mr. Moore stated Avon's support has made a big difference. He advised initially he was not sure he wanted to serve on the Board, but once he met a couple of the other Board Members, he realized the mission was a "no-brainer" and to have the opportunity to get the Village Project connected with some of the communities that they serve was paying it forward. Mr. Moore said he was one of the Board Members who were hesitant to come ask for more funding from the City especially on a first ask and the organization probably followed his lead in that area. He advised they are a great organization, and they are doing a great thing.

2. ORDINANCE NO. 57-24 – PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$750,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A NEW TRAINING TOWER FOR USE BY THE CITY'S FIRE DEPARTMENT AND CLEARING, EQUIPPING AND IMPROVING ITS SITE Mr. Presley

Mr. Presley advised this Ordinance No. 57-24 and the next one, Ordinance No. 58-24, will combine for a \$5 million bond issuance that will be sold competitively later once Council has authorized both Ordinances. He said as Ordinance No. 57-24 states, it is for the construction of a fire training tower and any improvements on the land. Mr. Presley stated Council has authorized going to bid for the project so they were looking to get the funding in place because there is not a cash balance sufficient enough in the Fire Equipment Fund to pay for this entirely out of their cash balance.

3. ORDINANCE NO. 58-24 – PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$4,250,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RECONSTRUCTING, WIDENING, RESURFACING, GRADING, DRAINING, PAVING, RELOCATING UTILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL Mr. Presley

Mr. Presley advised the total of \$4,250,000 is tentatively broken down in this legislation. He said \$2,000,000 is for the current 2024 Road Improvement Programs of which the total budget is \$4,000,000. Mr. Presley stated \$1,000,000 is for Economic Development Roadway Projects, which would reflect Miller Road and Avon Commerce Parkway. He advised \$750,000 is for the Chester Road, phase 4, to start with a gas line relocation, Mr. Presley said \$500,000 for the State Route 83 and State Route 254 widening, where the plans will begin and start acquiring easements. He added that the SR83 and SR254 project was on target to begin in 2025 so they needed to get these steps in place. Mr. Presley stated the totals of all those projects just mentioned is the \$4,250,000.

4. ORDINANCE NO. 59-24 - 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 THE NORTHERN 13.6414 ACRES OF LAND LOCATED AT 34440 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-162 FROM R-1 SINGLE-FAMILY RESIDENTIAL TO C-4 GENERAL BUSINESS DISTRICT Planning Referral

The First of Three Readings of Ordinance No. 59-24 will be held on Tuesday, May 28, 2024
A Public Hearing for Ordinance No. 59-24 will be held on Monday, June 24, 2024 at 7:25 p.m.

Ms. Fechter advised James and Karen Conant are requesting that the northern 13.6414 of their 32.3 acres located on Detroit Road be rezoned from R-1 residential district to the C-4 commercial district. She said back in 2006 there was a Charter Amendment and that Charter Amendment, approved by the voters, allowed for 3 ways that property could be rezoned without a ballot issue from a residential to commercial district. Ms. Fechter pointed out that on the overview map of the City, that the Middleton Road/Nagel Road general area behind Meijer Stores, are three parcels in the Charter Amendment area, denoted by a purple outline, that should be rezoned to a

commercial zoning district that are currently residential zoning districts and they do not require a ballot issue. She noted they still must go through the process through the Planning Commission and City Council of requesting their property to be rezoned. Ms. Fechter stated the Planning Commission met on May 15, 2024, voted 5 in favor and 0 against.

Mayor Jensen advised if Middleton Road were to be extended through to Jaycox Road, since this property is located north of Middleton Road, clarifying it is not really Detroit Road even though the property address is Detroit Road. He added it would be the area where Middleton Road would extend going north to I-90.

Mr. Fischer asked if Mr. Conant's parcel would have to be split or would the whole parcel be deemed C-4.

Ms. Fechter advised the property would eventually be split. She said Mr. Cummins has done some initial meets and bounds of that area of Mr. Conant's parcel. Ms. Fechter reiterated that the only area the applicant was seeking to be rezoned was the section north of Middleton Road. She said at the time they split the parcel; they will have further discussions about the extension of Middleton Road.

Mr. McBride asked if Middleton Road would meander a bit or was it going to be a straight shot to connect.

Mr. Cummins advised Middleton Road will be straight across this parcel seeking to be rezoned, but as Middleton Road extends further to the west, it would bend southward and then back to align with Middleton Road where it intersects with Jaycox Road. He said all of that would occur west of this parcel.

5. [ORDINANCE NO. 60-24 – AUTHORIZING THE FINAL PLAT FOR KENWYN VILLAGE SUBDIVISION NO. 3](#) Planning Referral

Ms. Fechter advised at the Planning Commission meeting in May, some of the residents brought forth an amendment of their subdivision plat for Kenwyn Village No. 3. She said each property owner would like to acquire the back parcel that abuts their current parcel, but currently it is encumbered with a stormwater easement as well as an open space easement and after further calculations the subdivision has 30% open space. She advised the Exhibit A was revised; the first one was the original submission giving subplot 27 additional property to the north taking a small portion from the stormwater easement area. Ms. Fechter indicated the City determined that they do not want the boundary lines to change for the northern property line of subplot 27, as access to the existing stormwater basin for maintenance needs to remain its current size. She stated the revised Exhibit A shows the north property line moved back to its current location for subplot 27 as they did not agree to allow that parcel to increase to the north to go further into the stormwater easement area. Ms. Fechter stated the Planning Commission approved it by a vote of 4 in favor and 1 abstention.

6. [ORDINANCE NO. 61-24 – ADOPTING THE 2024 REVISIONS TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON](#) Planning Referral

Ms. Fechter advised periodically, upon recommendation, they have each department review proposed updates to the standard construction drawings. She said the last time revisions were made and incorporated was in April 2020 by Ordinance No. 28-20. Ms. Fechter stated Mr. Cummins has worked with various City staff asking for recommended changes. She advised all the proposed changes have been clouded and highlighted for Council to know what changes are being proposed. Ms. Fechter said there is a paper copy available in the Council Office as well as the Planning Department should any wish to review it. She stated any specific questions would be addressed by Mr. Cummins.

Mr. McBride advised in looking at the highlighted/clouded areas on the Exhibit, the text was completely blurred out.

Ms. Brooks apologized and speculated it may have been due to the way the packet was combined for Council's iPads. She said she did not notice that the highlighted areas were unreadable prior to opening it on her iPad in tonight's meeting.

Mr. McBride requested a readable copy to which the Clerk agreed to send.

Mr. McBride advised in his opinion, and although he knows it is set up by a Charter requirement, but he believes the Planning Commission has no business reviewing engineering changes. He said for the most part those members on the Planning Commission were not qualified and he meant nothing negative against the members of the Planning Commission.

7. ORDINANCE NO. 62-24 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE AVON LOCAL SCHOOL DISTRICT REGARDING THE DISTRIBUTION OF PAYMENTS IN LIEU OF TAXES (PILOTS) IN TIF NO. 3 (ORD. NO. 156-06) AND TIF NO. 10 (ORD. NO. 171-08) Mayor Jensen

Mayor Jensen advised this is an agreement that the City Administration came up with and they reached out and proposed to the School Board and the Superintendent of the Avon School District. He said with all the development going on within the City, they sometimes have run into issues when infrastructure needs to be installed when trying to attract a business. Mayor Jensen indicated the thought was that this agreement would allow the City the funds to be able to tell prospective businesses that the City would install the infrastructure or work with them on getting the infrastructure installed, but often the City does not have that kind of funding available. He stated he went to the Schools and proposed a way for them to work together. Mayor Jensen clarified that in the agreement it is limited to north of I-90, and only in the M-1 and M-2 zoning districts, but the money that the Schools were being asked to share with the City would go into a newly created reserve fund and that money could only be used for specified purposes such as needed infrastructure.

Mayor Jensen stated in turn this agreement will allow the City to help the Schools out as it has always been a struggle when there are needed improvements for the Schools within the right of way. He said the Schools have not always agreed with the City Engineer on the extent of the improvements needed and there has been duplication of costs since the School also hires an engineer. Mayor Jensen advised this agreement will allow the City to install the needed infrastructure, using part of the money from this Fund to complete the improvements as well as the improvements the City needs. He said they tried to keep the agreement simple and easy to understand. Mayor Jensen felt this agreement benefits the City and the Schools. Mayor Jensen advised this would be a huge benefit to not have to use other Funds for these kinds of projects. He asked Ms. Fechter to explain why they reached out to the Schools and the importance of working with the Schools to facilitate more business in those areas.

Ms. Fechter referred to a map where they had separated out their TIF zoning districts. She added they are very excited again to partner with the Schools on doing something that would benefit them both. Ms. Fechter stated in her position of Economic Development, the City has had the desire to develop industrial lands in the northernmost quadrants to help create a better balance with our current residential and commercial developments within the City. She advised the City does not offer incentives on any commercial development such as Cabella's, Dick's Sporting Goods, Top Golf, and the Cleveland Clinic, who have all done their market research that told them this is a place that they should be located. Ms. Fechter said the City only offers incentives for manufacturing world headquarters and world headquarters that are looking to relocate or expand in Avon. She stated currently there are only two companies receiving any sort of incentive, one is Advanced Polymer Coatings on Jaycox Road for a 55,000 square foot expansion. The other incentive was given for the relocation of 700 jobs and a world headquarters by Bendix. She noted previously they have given tax incentives to L & W Engineering on Jaycox Road as well as Custom Culinary and Jenne Distributors.

Ms. Fechter advised she was currently working on several projects that are in that area which are north of I-90 and they are all located within the industrial zoned district. She stated that area is older infrastructure, so they need some help with some of the required public infrastructure to help these projects grow and continue in the City. She added they may need an extension of a roadway, widening, or updates to sanitary sewer, water lines or storm sewers. Ms. Fechter stated the partnership with the School is exciting and they are working together to attract large industrial projects that require infrastructure costs and to work thoughtfully to plan for the more underdeveloped areas by not having to turn away someone because they are not ready to do any public infrastructure improvements. Ms. Fechter said she appreciates Council's consideration on the matter.

Mr. Presley advised the benefits of this agreement are that it allows for the City to bring those projects in and issue notes to pay for it, whether they are full projects, or the City projects on the infrastructure. He said the Avon Board of Education cannot do that without going to the voters asking for levies on each of those improvements. He stated it allows the City to be a financial partner with the Schools by utilizing that shared TIF money to the advantage of the infrastructure for both of their respective needs. Mr. Presley stated if the City was not looking to install infrastructure for those industrial facilities, those industrial businesses may not come to Avon so there would be zero growth in the TIF money. He advised the relationship between the Schools and the City was very important to make this happen from both sides. Mr. Presley said a separate fund would be established for the additional TIF dollars that at any time members of the Avon Board of Education or their Treasurer could ask to see that Fund Account and what the dollars have been used for and make sure that they agree with all of it.

Mayor Jensen advised the real risk that the City was undertaking with this agreement was that the City has already committed to work with the Schools on the Detroit Road improvements. He said they looked with Mr. Cummins at expanding that scope since what the Schools may want to do would be a smaller footprint than what the City would like to see. Mayor Jensen stated this money would not be placed into the new Fund Account for approximately 3 years, but the City can use it to help with the payments of the notes when the Fund starts to accumulate. He said as they move forward, if the School places a levy on the ballot to build a new School, which has been discussed, the City would be on the hook to do the road improvements needed where the new School would be located on State Route 83. Mayor Jensen clarified that the City would do improvements to the City's standards using only one engineer, which would be hired by the City. He said often the Schools will only do the minimum required and the City would now be able to do the full improvements that they see necessary. Mayor Jensen advised as they move forward with this agreement, they will let Council know as those funds are being used. He confirmed that both the Schools and the City can look at the Fund as it is limited in what it can be used for. Mayor Jensen advised his working relationship with the Superintendent of Avon Schools has been a good one and he appreciates that they are willing to work with the City and get ahead of what could be coming to Avon. He clarified that tax abatements have nothing to do with this agreement and it would be a separate discussion if they needed to go back to the School Board and discuss tax abatement. He did not feel the agreement was complicated and the Avon School Board passed it on first reading, and he was asking Council to consider passing it on the first or second reading unless something unforeseen comes up.

Ben Hodge, Superintendent of Avon Schools, 36600 Detroit Road, Avon thanked Mayor Jensen for coming to the Schools with this idea. He advised the infrastructure improvements that he believes the City needs to do in the northern section of Avon was huge. Mr. Hodge said for the Schools, the amount of people involved and the added time and money to do projects that require the Schools to do infrastructure would now be out of the picture. He stated it was a huge get to the taxpayers of Avon. Mr. Hodge explained if the Schools want to build a new school building, which they are talking about, then the School does not have to bring all of these people to the table because the School will take care of their property and the City will take care of the road along with direction from Mr. Cummins. He felt it is a huge win for both the School and the City and appreciates Mayor Jensen bringing it to them. Mr. Hodge advised they are talking about some amazing things happening together between the City and the Schools in the near future and this is a piece of it.

Mrs. Demaline said in Section 5 of Exhibit A to the Ordinance it indicates that, "the City will pay the full cost of any public infrastructure improvements reasonably necessary as part of any Board development with the City and which would otherwise be the financial responsibility of the Board, whether or not sufficient monies exist with the Special Reserve Fund...". She advised she has some concerns with not having sufficient monies. Mrs. Demaline asked if there was any language that could be added to put some parameters around that.

Mayor Jensen advised that is where the benefit is for the Schools because the City would have the ability to Issue Notes for the money for projects that are coming in and that money would be available as it comes in. He said the Schools would have to install that infrastructure and that cost would have to be part of the levy that they would put forward and that would be a cost to everyone as taxpayers. Mayor Jensen stated as Ms. Fechter mentioned there were several projects coming in and those are what would help offset and pay for those notes. He said it would pay for the notes issued for the businesses that will be coming in, but also pay for the infrastructure that will be necessary for the Schools. Mayor Jensen advised as that Fund builds, the City can pay it back on the

Notes or pay it back to the General Fund if it was taken out of the General Fund. He said the note would be for fifteen years and the risk is that those businesses would still come to Avon, but the City is growing, and the Finance Department and the Economic Development Department were confident that the risk is low. Mayor Jensen stated it is a huge advantage that the Schools would not need a levy for the road infrastructure improvements, but an advantage for the City to entice these businesses by providing the infrastructure improvement help they need.

Mrs. Demaline inquired what would happen if the School Board felt that a public infrastructure improvement was reasonably necessary, and the City did not agree.

Mayor Jensen advised that would have to be something that they would have to work through, but typically that has never been the case. He said as an example, they both agree that improvements need to be made on Detroit Road. Mayor Jensen stated he does not believe the School Board would be unreasonable and ask for something that was not necessary. He felt all of Council knows that the City gets the brunt of complaints related to issues due to the School traffic as they often ask, "What is the City going to do about it?". Mayor Jensen advised typically once the traffic leaves the School property, it becomes the City's problem. He said there has been some discussions about another exit out of the High School and these funds could be used for that kind of road improvement that would be necessary.

Mr. Hodge advised timeline-wise he felt it was a good question from Mrs. Demaline saying that even if the School were to consider a Bond Issue as soon as the fall, the School would not be building a new structure for at least three years as that is how long it takes to plan a build. He said depending on when some of this money comes in, there is a three-year window there as well. Mr. Hodge stated the School Board would not offer money to willingly improve roads when they do not need to. He said the School did not improve Long Road until they were asked when the Middle School was built because they had to because of the traffic studies.

Mrs. Demaline said she understands there is a good relationship between the City and the School right now, but a lot can change over 15 years and different leaders may be in place. She suggested adding some language under Section 8–Dispute if there is a dispute on the necessity of the public infrastructure improvements. Mrs. Demaline advised she would be most comfortable with this agreement going three readings.

Mr. McBride advised this agreement is specific to projects associated with the Schools and other designated areas, but he asked if that precludes the City from taking other TIF revenues and paying for improvements.

Mayor Jensen answered the money does not all have to come from this designated Fund.

Mrs. Demaline asked at the end of the 15-year agreement if the parties choose to terminate it, what happens to the balance that might be left in that Fund.

Mayor Jensen advised that would have to be something that would be agreed upon. He felt this agreement protects both the City and the Schools that those funds can only be used for those designated improvements. Mayor Jensen indicated the agreement mentions that if the Fund were to reach a balance of \$10,000,000 that the School Board would no longer be required to make additional PILOT deposits until the balance again drops below \$10 million. He said the City will have the ability to bond out the improvements and the City can then use these Funds to pay that bond.

8. [ORDINANCE NO. 63-24](#) – TO AMEND AND SUPPLEMENT APPROPRIATIONS

Mr. Presley

Mr. Presley explained the supplemental appropriations as follows:

Traxler Property Fund No. 407

Increase Contracted Services budget by \$25,000 as this was not included in the original budget.

Increase Materials and Supplies Budget by \$50,000 as this was not included in the original budget.

Total Increase in Fund 407

\$75,000.00

Sanitary Sewer Fund No. 631

Increase Misc Contracted Services by \$52,350 for Interceptor Flow Monitoring in Northgate Area as this was not included in the original budget.

Total Increase in Fund 631	\$52,350.00
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Grand Total of All Supplemental Appropriations	\$127,350.00
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Mayor Jensen advised regarding the Traxler property that they had an expert look at the bridge as it is in very poor shape. He said a lot of those funds allocated for the Traxler property would go for the bridge work alone so they may not be doing a whole lot of other improvements within the park just yet. Mayor Jensen stated there is a small parking lot being built that will hold about 10 vehicles. He advised some trails have been mowed through the property and they would be putting some stone down to make the path a little more walkable. He advised he would like Council to visit the site and walk it with him and they can see firsthand what work is being done and planned. Mayor Jensen suggested Council visit the site when they have the chance. He clarified that right now they were trying to make the property walkable and the bridge safe for pedestrian traffic and they would most likely ask Council for funds next year if there were major projects planned.

9. ORDINANCE NO. 64-24 - TO AMEND CHAPTER 881 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO ADOPT CHANGES TO THE CITY'S MUNICIPAL INCOME TAX CODE Mr. Presley

Mr. Presley advised the Regional Income Tax Agency R.I.T.A. who is the City's collection agent for municipal income tax has asked that they make these updates pursuant to the City's income tax rules and regulations due to changes that have taken place at the State of Ohio level. He said all that is being asked is to amend Avon's sections of the income tax code to reflect what has been amended at the State. Mr. Presley explained it is primarily things as far as interest rates and penalties for underpayment or nonpayment of taxes and some other miscellaneous language, but it was all reflective of what was changed at the State level. He advised in this manner there is no conflict between what the State has indicated can be done and what the City has on their books.

Ms. Berges said she appreciated the explanation because she wondered when she read through it what precipitated all these changes.

10. RESOLUTION NO. R-20-24 – SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF REZONING APPROXIMATELY 17.7 ACRES OF LAND LOCATED ON THE WEST SIDE OF NAGEL ROAD BETWEEN MIDDLETON & DETROIT ROADS, PERMANENT PARCEL NOS. 10-04-00-022-102-044, 10-04-00-022-102-043, 10-04-00-022-102-039, 10-04-00-022-102-041, 10-04-00-022-102-042, 10-04-00-022-102-047 & 10-04-00-022-102-048 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT AT THE NOVEMBER 5, 2024 GENERAL ELECTION PURSUANT TO THE AVON CITY CHARTER, ARTICLE VII, SECTION 2(e) Mr. Gasior

Mr. Gasior advised this has to be placed in front of the voters in November in order for the rezoning to actually take effect and it has to be passed by the electorate. He said the Resolution is simply to send the item to the Board of Elections to be placed on the ballot in November.

11. REPORTS AND COMMENTS

MAYOR JENSEN advised regarding the Village Project, he would like, with Council's approval, to write them a check for \$12,000 and if they need more than that amount, there was an additional \$3,000 available. He was hopeful that the \$12,000 was enough for the remainder of 2024, but if not, Mr. Presley can update Council if the Village Project needed more funding.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE thanked all the organizations that helped to make Avon beautiful this past Saturday. She thanked Ms. Brooks for all her hard work in organizing the groups and for assigning the People's Church volunteers to help the French Creek Foundation so they could get all the flowers planted along Detroit Road in record time. Ms. Berges indicated all the help was very much appreciated.

MRS. DEMALINE, WARD 1 had no comments.

MR. MCBRIDE, WARD 2 as a follow-up on the Village Project, he felt it would be helpful if the City can get them to provide an update to the Finance Director, possibly in October before the City budget is finalized, to figure out what the City should be allocating to their organization for the following year. He indicated that should help eliminate this split donation between years and they could provide a better overview of what was needed for the calendar year.

Mr. McBride advised he was glad to see in the supplemental appropriations the funds for monitoring the stormwater in the Northgate Subdivision. He asked if there were any updates on that situation.

Mayor Jensen advised in talking with Mr. Bruce, the Superintendent of Utilities, they have not found any glaring problems. He said they speculate that it may be at the main interceptor and the reason they were installing those in other locations to determine if the problem is coming from somewhere else and backing up into the Northgate Subdivision causing the problems. Mayor Jensen stated they did sanitary sewer connection relining. He advised they have done improvements in that area, but the City is not satisfied that those were the ones causing the problems because those were at the lowest point. Mayor Jensen said putting those flow monitors in different areas will give them a better indication and it may be a problem somewhere completely different that is being missed.

Mr. McBride advised his fear is that it is going to be next year or the year after and they would be right back in the same situation with some of the same homes. He hoped the homeowners were making corrections or installing check valves to prevent it from happening again.

Mr. Fischer asked Mr. Moore if he could let the Director from the Village Project contact the Clerk to get on a Council agenda later this year for next year's budget referring to Mr. McBride's comments.

MR. MOORE, WARD 3 agreed with Mr. McBride regarding the Village Project funding going forward. He advised he would work with the Village Project Board to put together a forecast of where they expect to be more on a calendar year basis.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 advised in the past there has been a lot of discussions about development and with the rezoning ballot issue on Nagel Road and with more small retail style developments coming in and the like; he felt there have been frustrations with multiples of the same type of businesses coming that are already in the City. Mr. Radcliffe stated with the rezoning being on the ballot this November, he would like to take some time over the next several months and possibly call a Committee Meeting to discuss imposing a moratorium for things like carwashes, self-storage places, rental places, and some of the smaller based retail stores. He said he would like to discuss how that fits into the long-term vision of what they want Avon to look like in combination with the roads and the traffic. Mr. Radcliffe advised they could talk about the infrastructure improvements that will be needed based on some large industrial type businesses planning to come to Avon. He said there were groups still trying to change the zoning districts in residential areas such as on Detroit Road and Nagel Road that do not necessarily fit the guidelines. Mr. Radcliffe stated after the November election they could see how the voters decide that area be zoned. He felt Council should give pause and take time to review these issues was a good philosophy going forward. Mr. Radcliffe asked if the Chairman of the Legal Committee and Mr. Gasior could put something together for next week, and he appreciates their consideration.

Mr. Fischer asked Mr. Gasior and Mr. McBride if they could meet and decide what would be appropriate for this situation.

Mayor Jensen asked Mr. Gasior if a moratorium could be placed on carwashes and self-storage units now and then continue the conversation as to what Council would like going forward. He felt if they wait to impose the moratorium that there could be issues.

Mr. Gasior agreed that putting the moratorium in place first and then having the discussion was a better route to take.

Mr. Radcliffe said that was fine with him and he asked that the moratorium include carwashes and rental places, storage units and even gas stations to give a temporary pause while Council reviews where they are and where they want to go. He stated if they can get it on next week's agenda, that would be great.

Ms. Berges asked what the criteria was for a business to be placed in the moratorium. She inquired if it would be the businesses that people complain about as people complain about banks, they complain about Dunkin' Donuts. She asked how many Dunkin' Donuts were too many. She reiterated that she was curious as to what the criteria would be for the types of businesses that Council would consider. Ms. Berges said it would be helpful to know how many businesses of those types are currently in Avon, such as carwashes and those kinds of things. She advised it was mentioned in Mr. Radcliffe's email about the City of Parma and some of these other cities. Ms. Berges said it was interesting that Parma's regulations allow one carwash per every 10,000 residents.

Mr. Radcliffe said Parma is a city of about 28,000 residents and for example they allow 2.8 carwashes in their city currently under their new regulations, but they have about 7 or 8. He stated he believes that Avon has 6 or 7 carwashes currently and he is suggesting a short term moratorium while they take time to discuss it, so if they wanted to consider banks, or other businesses that was fine with him as they could always pull them out of the moratorium, but he felt they should give themselves pause for now. Mr. Radcliffe advised he was open to input from Mr. Gasior. He agreed it would be good to have the information as to how many of each of these kinds of businesses were already in Avon and decide where Avon wants to go. Mr. Radcliffe stated the City has had the Master Plan for a while now and they keep referencing back to it, but people keep coming and asking for changes. He felt that those developers were looking for something different than what the City would like to see, and he would like to try to see if there was a better way to align the two.

Mayor Jensen recommended placing the moratorium on carwashes and self-storage units for now saying when looking at the surrounding communities, moratoriums have already been established for those kinds of businesses. He felt when they start considering banks, for example, it becomes more difficult because not everyone uses the same bank. Mayor Jensen said he has not heard of any pushback on the moratoriums to include carwashes as other communities have already regulated those. He suggested that Council start with carwashes and self-storage units and go from there. Mayor Jensen advised they needed to be careful because when they take away the ability of someone to do commerce in the City without a real cause other than Avon does not need more donut places. He said Avon has three interchanges and that is where the carwashes tend to be located near, but there were already adequate carwashes at the interchanges in Avon that he felt they would be justified in regulating more coming into Avon. Mayor Jensen said carwashes and self-storage places were the two main businesses that he felt should be considered for limited because Avon does not want to be known as the capital of self-storage units. He felt they should be specific with those two businesses to start, and he believes these kinds of businesses have already been challenged in other communities and moratoriums have been established. Mayor Jensen asked Mr. Gasior if he could have legislation imposing a temporary moratorium on next week's agenda to be voted on.

Mr. Gasior advised he could write a moratorium on storage facilities and carwashes. He said as Mayor Jensen pointed out those were items that other cities have placed a moratorium on, and he has not seen any challenges as of yet, so he felt fairly confident to include those in a moratorium.

Mayor Jensen clarified that vehicle rentals are only allowed in Avon's industrial areas, and they cannot go in other zoning districts unless Council changes the Code to allow them, and he does not believe that the Planning Commission nor Council want to make that Code change. He said Enterprise rental is already in Avon and he was not sure that having Herz rental in another industrial zone would hurt. Mayor Jensen clarified that having car washes and self-storage businesses on the moratorium legislation were his recommendation at this time.

MR. FISCHER, AT LARGE reminded everyone that next Monday is Memorial Day and the next Council Meeting would be held on Tuesday, May 28, 2024, at 7:30 p.m. He wished everyone a Happy Memorial Day and he asked that Mr. Streater give an update on the parade plans during his comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR wished everyone a Happy Memorial Day.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR advised the Memorial Day Parade on Monday, May 27, 2024 would begin at 9:00 am at the Avon Senior Center and go the Aquatic Center and over to the Veterans Memorial where there will be a ceremony immediately following the parade.

Mr. Streator thanked Ms. Brooks for her efforts in organizing the volunteer groups to help getting the flowers planted on Saturday, May 18th. He said it made a big difference in the beautification of the City at all of the various City locations and the downtown planters to spruce them up for the spring.

AUDIENCE:

Scott Ochocki of 12838 Patricia Drive, North Royalton advised he is representing U-Haul noting that he has worked with them for forty years. He said they have been working with the Sylvesters on purchasing the property on the southwest corner of Colorado Avenue and Chester Road for a self-storage and a U-Haul facility. Mr. Ochocki stated he has been doing this for forty years and most of the income from Avon is going to Elyria and North Ridgeville. He advised he recently moved his daughter to Avon and there was no local U-Haul facility that he could get a truck for that move, he had to go to Elyria. Mr. Ochocki felt a lot of Avon money was being lost to the neighboring communities. He clarified they were not just building garages, but a full center with attached buildings. Mr. Ochocki handed out conceptual drawings of this proposal.

Mayor Jensen asked how the City is losing income.

Mr. Ochocki answered by saying that basically when someone in Avon wants to rent a U-Haul truck, they have to go to neighboring cities.

Mayor Jensen said he understands that, but asked where the revenue was being lost from that because sales tax goes to the County. He asked about specific revenue that the City would lose.

Mr. Ochocki said it was about \$500,000 in U-Haul revenue and the City would receive tax on that.

Ms. Fechter advised there is a U-Haul facility on State Route 83.

Mr. Ochocki clarified that location has 2 trucks and what he is proposing would employ 25 people and be a hitch center where they would install hitches for the cars. He said it would be full on U-Haul trucks, trailers and they were asking to add the self-storage. Mr. Ochocki stated it would be a building with climate control state-of-the-art storage.

Mayor Jensen clarified this location was the open field across from the carwash and next door to ABC Equipment Rentals & Sales on the corner of Colorado Avenue and Chester Road in answer to a question from Mr. Radcliffe.

Mr. Ochocki advised they looked at the old golf driving range location on the corner of Chester Road and Jaycox Road but were told that area was not suitable. He said they were told that the proposed location on the corner of Colorado Avenue and Chester Road was better suited to their needs. Mr. Ochocki stated they have been working with the Sylvesters for a few months getting soil samples and other things done at the location. He said if Council is going to place a moratorium on these types of businesses, he asked that they be grandfathered in to finish their project.

Ms. Fechter advised unfortunately for Mr. Ochocki, that parcel is zoned C-4 so it would require a rezoning for the type of business he was proposing to be allowed in that location. She said Mr. Ochocki has worked with Ms. Clements, the Zoning Enforcement Officer, and has been told that type of business is not allowed at that location without being rezoned.

Mr. Fischer said that property is very close to the industrial area and asked if the industrial area is where this type of business would be allowed.

Ms. Fechter advised a vehicle rental is allowed in the industrial zones. She pointed out on the zoning map that the yellow area is the commercial zone, which is located at the corner of Colorado Avenue and Chester Road. She said the pink areas behind the yellow area is the M zoning district which is industrial, and this type of business would be allowed in an industrial zoning district.

Mayor Jensen clarified that if Council imposes a moratorium, then carwashes and self-storage units would not be allowed, even if the property were rezoned. He indicated a moratorium would include all zones for the specific types of businesses imposed by the moratorium. Mayor Jensen said even if this property were grandfathered, that specific parcel would have to be rezoned for it to be allowable.

Mr. Ochocki said in other states his business has done selective zoning, meaning that if that business were to leave that the zoning would leave with them. He asked if that would be an option.

Mr. Ochocki pointed out that the first page of the conceptual drawing he handed out was their plan noting there are wetlands located on the property and in which Mr. Sylvester has done some remediation. He said the following pages of the handout were what their sites look like and how they turned bare land into buildings, centers and then subsequent pages talk about sharing of their self-storage and their trucks and their re-use. Mr. Ochocki stated they have a 1,000-room facility in Parma that is about 900 rooms full so there is definitely a need for storage, and he felt there was a need for storage in Avon. He advised the Parma facility is on Brook Park Road across from Home Depot. Mr. Ochocki said it is state of the art and time controlled and there is LED lighting. The handout shows facilities they have built throughout the country. He stated they work with the community as far as coloring, landscaping and the like.

Mr. Fischer advised the City cannot grandfather something that is not currently zoned for a proposed business. He said if Council places a moratorium on said business. He said the property would need to be rezoned first.

Mr. Gasior advised once a moratorium is passed on these storage units, Mr. Ochocki would be impacted and would not be grandfathered in because he is proposing to do something on a parcel of land that is illegal to do it on currently.

Mr. Radcliffe advised part of his frustration is that there are guidelines setup for what is allowed in a zoning district and if people want to change it.

Mr. Gasior clarified that Mr. Ochocki is not grandfathered in by presenting something to Council tonight. He advised that parcel of land is not zoned for this use so he would have to go through the process of rezoning it. Mr. Gasior said Council is most likely going to act next Tuesday to place a moratorium on these types of businesses so it might be a moot point.

Mr. McBride advised this is almost akin to CarMax where they wanted to rezone, and that zoning map had been updated not many years before CarMax came to Council asking for a Code amendment.

Mr. Gasior clarified the City did not update anything. He advised the CarMax proposal was to amend the Code to allow for used car sales outside of new dealerships and the City did not amend the Code to allow that.

Mr. McBride agreed and said the Master Plan in the Code had been updated not too many years before that and Council did not feel it was outdated or needed revisions to allow it at that time.

Mayor Jensen advised the only thing he felt was different was that if a property is rezoned then it is a permitted use. He explained it would be similar to the request for Hertz rental on Detroit Road, that if they amended the Code to allow it then it would allow all similar rental places in that district because it would be a permitted use. Mayor Jensen clarified that this use is already allowed in the industrial district.

Mr. Moore asked if looking at the handout if these were all facilities that the company, he works for has done to which Mr. Ochocki answered yes. He said it looks like the oldest one in the handout was built in 2021. Mr. Moore inquired if Mr. Ochocki had any facilities older than 2021 that were still operational.

Mr. Ochocki stated he has older facilities that were built in 2015 or 2016 and they were still operational.

Mr. Moore advised he has seen some U-Haul facilities in other communities that look like graveyards, and he indicated they were eyesores.

Mr. Ochocki said they built the one in Parma in 2015 and they did North Randall in 2017 and New Bedford in 2017. He said New Bedford has 900 rooms of self-storage units and 800 of those were full and Parma has 1,000 rooms and they have 900 full and the one at North Randall has over 1,500 storage rooms and he believed 1,200 were full.

Mr. Moore asked Mr. Presley of the \$500,000 that Mr. Ochocki said the City would be losing in income tax, as to how much money would the City potentially be losing.

Mr. Presley felt Mr. Ochocki had to be referring to property tax because the income tax would not be close to half a million dollars.

Mr. Ochocki clarified that was how much of his business income was not in Avon. He said he does not know what the number would be.

Mayor Jensen advised if there would be employees added by this business, that would be revenue back to the City. He said sales from this proposed business would not benefit the City because sales tax goes to the County, but to specifically say it benefits Avon was inaccurate. Mayor Jensen stated he did not know what Mr. Ochocki's investment would be for Avon.

Mr. Ochocki advised his initial investment would be \$14 million from the ground up. He clarified that when people had to seek this kind of service outside of Avon, they were not investing other dollars into the community

when returning the truck such as eating in local restaurants and the like. Mr. Ochocki said his business model is to bring business to the community such as the foot traffic that would come through Avon.

Mr. Fischer advised it seemed as if they were putting the cart before the horse and he asked if Mr. Ochocki has taken steps to get on a Planning Commission agenda or spoken with the Planning Coordinator, Ms. Fechter. He said typically these requests have to go through the Planning Commission before it comes in front of Council, and he felt Mr. Ochocki was skipping a step in the process.

Mr. Ochocki advised they have a real estate team that reached out to Avon, and he spoke with the Zoning Enforcement Officer, Jill Clements.

Mayor Jensen clarified that Mr. Ochocki has already been told that his proposed business is not a permitted use in that zoning district. He said the next step is to submit an application for rezoning for that property. Mayor Jensen speculated that Mr. Ochocki was present tonight was to ask if there was a way for this to move forward since Council is talking about imposing a moratorium or wait until the moratorium expires and see what his options were. He reiterated that Mr. Ochocki was asking for an industrial use business to be located in a commercial zoning district which is a non-permitted use. Mayor Jensen advised Council is not going to rezone that property to industrial if they were not going to allow that business to come into Avon.

Dave Sylvester, the property owner of the lot in question on the southwest corner of Chester Road and Colorado Avenue advised this is the third time he has been in front of City Council for that property. He said there have been two other moratoriums imposed that affected the sale of that property. Mr. Sylvester believes that in the past his property was zoned to allow for self-storage, although this is an upgraded storage facility that is climate controlled and there were show rooms and packaging and a hitch department and would have 22-25 FT employees. He stated last Thursday (5/16) he discussed this with someone at the City and they told him that it was not going to happen and that it was discussed with someone and came back and told him an hour later and said there was a Council meeting on Monday to place a moratorium on to not allow self-storage units. Mr. Sylvester advised that was the first he heard about the moratorium. He reiterated that this would be the third moratorium to impact that piece of property. Mr. Sylvester said he has tried to get a truck stop on that property and there was a moratorium imposed. He stated they tried to get a Sheetz on that property and there was a moratorium imposed that did not allow truck parking overnight. Mr. Sylvester advised now, he was trying to bring a U-Haul business to that corner property, which he felt was an excellent use for that property. He said he felt it would be an excellent add-on to the citizens of Avon and he asked where else could they go for climate-controlled storage. Mr. Sylvester stated it would be an excellent use.

12. ADJOURN: 8:56 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