

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO, HELD MONDAY, JUNE 21, 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; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Law Director – John Gasior; Finance Director – William Logan; Safety Director – Duane Streater; Assistant Clerk of Council – Gail Hayden

ABSENT: Planning and Economic Development Coordinator – Pam Fechter

1. ORDINANCE NO. 38-21 – DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF AVON TO BE A PUBLIC PURPOSE; DECLARING THE IMPROVEMENT OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS MADE, TO BE MADE OR IN THE PROCESS OF BEING MADE, THAT DIRECTLY BENEFIT OR THAT ONCE MADE WILL DIRECTLY BENEFIT, SUCH PROPERTY FOR WHICH IMPROVEMENT IS DECLARED TO BE A PUBLIC PURPOSE; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; AUTHORIZING EXECUTION OF ONE OR MORE TAX INCREMENT FINANCING AGREEMENTS AND PROVIDING RELATED AUTHORIZATIONS Mr. Logan

To be Considered at a Special Meeting Immediately Following this Work Session

Mr. Logan stated that this is our TIF #14 agreement for 21 parcels along the north side of Mills Road between Jaycox Road and Nagel Road. There have been some property transfers there recently and we expect some development to happen. With Council's approval of this Ordinance tonight, we will get the tax exemption applications filed with the County this week or early next week and then hopefully, down the road, the TIF revenues will pay off from there.

2. ORDINANCE NO. 43-21 – TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH AUGUST PROPERTIES, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS ON THE NORTH SIDE OF RIEGELSBERGER ROAD, EAST OF KENSINGTON DRIVE Planning Referral

Second of Three Readings at the Regular Meeting to be held on Monday, June 28, 2021

Mr. Gasior stated that this is a Developer's Agreement to extend a sanitary sewer a little over 100 ft. east on Riegelsberger Road pretty much where it ends at Kensington right now so that August Properties can develop the one lot that they own on the north side of the street. He said he believes that all of the deposits are in and Mr. Logan said, yes, we have all the deposits. Mr. Gasior added that if Council is so inclined this will be on the agenda next Monday, June 28th.

3. ORDINANCE NO. 44-21 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY ARTHUR J. GALLAGHER & CO. Mr. Logan

To be Considered at a Special Meeting Immediately Following this Work Session

Mr. Logan said that he would like to clarify a couple things. The overall premium, not including the cyber liability, is going up about 4-1/2% from last year. We are entering our third year with Arthur Gallagher as the City's agent, with Travelers as the primary carrier. They do not carry all the lines but they carry the majority of them: the property and most of the liability lines. Our cyber liability policy is going up about 33%; it is going from \$9,000 to a little over \$12,000 so our total premium for the upcoming policy, which is July, 2021 through June, 2022, is \$207,332 and that includes the cyber liability. We have had very good experience the last two years as far as claims. There has been just one claim in each of the two years. This past year the claim was an uninsured motorist, a \$17,000 claim, and Travelers is still trying to recoup some of that money from that driver. But when we look back at where we were a few years ago, we are still well under premiums we were paying in the policy years 2015- 2019. We are 15% below the premiums from 2019 and earlier. Some of those premiums were a result of more claims but if you recall, for various reasons, we left our insurance agent that we had been with for awhile and ended up with Gallagher/Travelers. This current year Gallagher did not actively market the policy and they have a number of reasons as to why and Mr. Logan thought that we agree right now that we are consistent and we are comfortable with them. We should market the policy every few years and we will next year for sure. We will have Gallagher market the policy, but we also do not want to get into the habit of jumping around every couple of years unless there are valid reasons to do so. So he just wanted to make sure we are on the same page. We have been very good claims-wise, we have gotten good service with Gallagher and we hope that going through this next year that everything works out as well as it has these first two years.

4. ORDINANCE NO. 45-21 – AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH CLEVELAND COMMUNICATIONS, INC. TO LEASE EQUIPMENT AND SPACE ON THE WATER TOWER LOCATED AT 4859 CENTER ROAD FOR THE PURPOSE OF INSTALLING NECESSARY ANTENNAS AND TO PROVIDE THE NEEDED HARDWARE TO FACILITATE COMMUNICATIONS BETWEEN SAFETY FORCES IN THE CITY OF AVON AND OTHER LOCAL GOVERNMENTS

Mr. Streator

Second of Three Readings at the Regular Meeting to be held on Monday, June 28, 2021

Mr. Streator noted that this is the radio communications agreement with Cleveland Communications and the water tower at Mills Road is where one of the antennas will be as we indicated before.

Mr. Gasior stated he had received an email from David Graves, the Law Director for Sheffield Village, and they had added language to the agreement that said that the four party agreement that we are currently in with Avon Lake, Sheffield Village, Sheffield, and Avon would not be eliminated. Mr. Streator said, that was correct. Mr. Gasior said that he kind of agreed but Mr. Graves had put it point blank in the agreement and he does not know if Council cares one way or the other whether we have it in there but he will talk to them about that this week before they vote on it. Mr. Streator stated that the current system was to operate on its own and we still hold the SEC license for that frequency so it would work the same. Mr. Gasior said that he was not certain that the amendment is absolutely needed but they did insert it in Sheffield Village and he will probably just pass that along to Council to let them see it.

5. ORDINANCE NO. 46-21 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022

Mr. Logan

Mr. Logan stated that we have put together a preliminary budget and we do this each year. It is due in the County Budget Commission office by July 19th and he was not asking Council to act on this tonight. He sent out some assumptions today that he would ask Council to read through. We have a few weeks before

we would need to actually pass this Ordinance. We should probably have a Finance Committee meeting sometime in the next few weeks to discuss the water and sewer rates and also the stormwater utility rate as we have made certain assumptions about them in this budget right now. Beyond that it is just routine and we will fine tune and revise the budget in the fall.

6. ORDINANCE NO. 47-21 – AMENDING THE PERSONNEL POLICY MANUAL FOR THE CITY OF AVON BY ADDING SECTION 5.16.1 (FMCSA CLEARINGHOUSE POLICY AND PROCEDURES FOR CDL EMPLOYEES) Mr. Streator

Mr. Streator stated that this is a change to our personnel policy that was generated through the federal government. They had changed their Dept. of Transportation pertaining to CDL requirements which some of our employees have and it creates a clearinghouse for the information that we are required to participate in as an employer. So it was necessary for us to create this section in our personnel policy and Ms. Szlempa has also been working with the unions to get this policy created.

7. ORDINANCE NO. 48-21 – TO AWARD A BID FOR THE CHESTER ROAD PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins said that on June 10th we had a public bid here at City Hall. We received 7 bids for the project which will occur between Jaycox Road and Lear Industrial. Of the 7 bids, Crossroads Asphalt Recycling was the lowest bid. The bids have been reviewed and he said he would ask that that be considered the lowest and best bid. They were just 7.7% over the engineer’s estimate but still within an acceptable range.

8. ORDINANCE NO. 49-21 – TO AWARD A BID FOR THE NAGEL ROAD-NORTH PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins stated that also on June 10th we opened bids for this project going from Chester Road up to just south of the railroad tracks across from the Rock Pile, where an Avon Lake project extended just a couple years ago. We had 8 bidders and Barbicus Construction Co. of Akron presented the lowest bid. The bid has been reviewed and he would ask that it be considered the lowest and best bid for the project.

9. ORDINANCE NO. 50-21 – AMENDING ORDINANCE NO. 48-19 WHICH ADOPTED THE JUNE 10, 2019 REVISION TO THE STANDARD CONSTRUCTION DRAWINGS FOR THE CITY OF AVON Planning Referral

A Public Hearing will be held on Monday, August 9, 2021, at 7:15 P.M.

Mr. Cummins noted that this was brought forth by the Planning Dept. They want to add to the Construction Standards an item for the developer to obtain prior to acceptance and that is the installation of the cluster mailboxes that is now the requirement in the new subdivisions. There will be no more individual mailboxes but a common box installation. We had an issue between the developer and the homebuilders and we would just like to clarify that by putting it in the Standards that the installation has to be completed before acceptance.

Mr. Gasior said that it was in 2016 with the last phase of Stonebridge that we could no longer allow the developer to put in individual mailboxes. The Postal Service refused to deliver mail to individual mailboxes. So we have been enforcing that but in this recent case, with Red Tail, as Mr. Cummins said, there was a lot purchaser to build a home who wanted his own mailbox and took that issue up with the

developer and somehow the City got in the middle of that but it was out of our hands. You have to do what the U.S. Postal Service wants if you want to get your mail delivered so to avoid having us involved in this in any way, we decided to put it in the Construction Standards and on the final walk-through as a punch list item, that cluster box unit will have to be installed or the developer will not be in front of Council for acceptance of the improvements.

Mr. McBride asked at what point the walk-through takes place and Mr. Cummins said it would be when the Service and Utilities Depts. are doing their walk-throughs and generating punch lists. Mr. Gasior added that there would not be a lot sold at that point because no lots can be sold until Council accepts the improvements. Mr. Cummins said, that is correct; at that point, only the developer would be involved. He might have a couple model homes going but technically he is the only entity involved. The issue at hand that we have mentioned ended up with the developer and three different homebuilders all pointing fingers. So we just want to deal with the issue when there is only one entity to deal with. Mr. McBride asked if the cluster mailbox installation is on a separate parcel and who is responsible for that parcel. Mr. Cummins said that as this issue has evolved over the years, so has our process of handling it in the planning of the subdivisions. The current state of play is that we require it to be on a separate block outside of the public right of way. We like to see places for cars to pull off to stop and get their mail and so we try to place it in areas that make sense out of the heavy traffic areas, so yes, over time, as we have come to grapple with this issue, our planning has gotten better and better each time. Mr. Gasior added that in the subdivisions that were platted years ago like Red Tail there is not much we can do except identify a location but in the newer subdivisions, we are actually doing what Mr. Cummins said and trying to locate it at a point where a car can actually pull off, the box is there and it makes it less obstructive for traffic and even driveways.

Mrs. Holtzmeier asked Mr. Cummins if it would be helpful to codify some of those points that he noted so that they are known to those that want to develop and we are able to hit those before we even start. Mr. Cummins said that he thought that some of those probably could be codified at this point. He said that one of the other things that we do now is that as soon as we have our initial meeting with the developer about a potential subdivision, the issue of where the mailbox installation is going to be placed and what goes along with that, is part of that discussion. So we do bring it in early as a way to head those things off, but could some of it be codified? Yes, and he would certainly be happy to work with Ms. Fechter to implement some of those things.

Mrs. Holtzmeier stated that she would be in favor of putting some of those things right into our Ordinances so that they are known and that way there is no disputed discussion. We can always revisit it should evolution of mail require us to, but the more people know, the better. Mr. Cummins said he agreed.

10. ORDINANCE NO. 51-21 – TO AMEND SECTIONS 1222.02, 1278.03, 1280.05 AND 1280.06 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCLUDE STORAGE CONDOMINIUMS UNDER MINI SELF STORAGE ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN THE M-1 GENERAL INDUSTRIAL AND M-2 LIGHT INDUSTRIAL DISTRICTS

Planning Referral

A Public Hearing will be held on Monday, August 9, 2021, at 7:20 P.M.

Mr. Gasior stated that this has been discussed previously in Planning Commission and was before Council in Ordinance No. 112-20 which Council then tabled indefinitely back in February. It is back again and in pretty much the same form with a few minor exceptions. Unfortunately, Ms. Fechter is not here tonight and she is spearheading the return of this Ordinance. Perhaps next week on Monday when the first reading comes through, she will be able to spell out a little bit more detail. He knows there was a lot of discussion

about minimum sizes, etc. but it appears as though not much has changed in this Ordinance and it is here for either an up or down vote. He said he should probably mention that the current law appears to only allow for a rental storage unit so this condominium concept is really the main concept that is being added here, to allow for individual ownership of the unit.

Mayor Jensen stated that in Planning Commission, they looked at whether there was a need for larger spaces in storage facilities and about not wanting them to be in areas where we have just made major improvements like along Chester Road, Rt. 83, or Jaycox Road, so these storage units are placed where they would be set off a little bit. To put all that money into Chester Road and then have a storage facility there, we felt that would take away from all the money and value we put in there. These storage condominiums will be a bit more upscale and will have a Homeowners Association attached to them so that helps to give the City some place to go if there are problems with them. In talking with people, we feel like this is something that is needed and that we have protected most of the areas that we wanted to. If Council wants to vote it down, they can certainly do that but we think we have covered most of the bases in terms of concealing the storage facilities out ways. Again, if you look down Rt. 83, there are all kinds of storage units and we do not want to continue that process. We want to put them somewhere else if we are going to continue to allow any storage at all.

Mr. Butkowski said he would ask that if Ms. Fechter has those details she could get them to Council sooner rather than later. He knows that one of the ideas that we were also bouncing around in Council was in regard to the density of storage facilities within the community. Ms. Fechter had mentioned the way that Parma has spread out the density of these facilities and he did not know if that was something that Planning had discussed but it kind of dovetails on what the Mayor was talking about with regard to the location and the quantity of these facilities throughout the City.

Mayor Jensen said that Planning can get that information to him. He thought that most of the discussion in Planning Commission was the fact that we just did not want the storage facilities in certain areas, You can see in some communities that they are just coming one right next to each other. Our main concern in the discussions was where the storage units would be and then density kind of takes care of itself; if there is not a need for it they will not keep coming in. All of us know that there is one that is going to come on Mills Road. It is not a condominium but it is a storage place and we have to look at the condominium issue there. We just want to be more careful if we allow that to move forward.

Mr. Radcliffe, also a member of Planning Commission, said that Ms. Fechter was setting a size range for the storage facilities, and in terms of the location and density, he believes she left that as a special use that would allow a more meaningful discussion if people tried to put things right next to each other. We had the streets lined out to say we did not want the storage facilities in certain areas and we did not want to see several in a row. Ms. Fechter will get all of that to us but Mr. Radcliffe said that he thought it will be a positive thing for the people who have wanted to do this and bring these here.

Mr. McBride asked if there was any discussion at Planning Commission about the exterior of the buildings as personally he did not want to see cheap tin pole buildings; a masonry structure would be great so it would bring more property tax revenue. Mr. Radcliffe said there was some discussion that unless the Building Codes were changed to say that you had to use those materials for everything, you could not generally deny things based upon that but you can have it where you are looking for the descriptions of the property to come in there to be more upscale and pleasing-looking and not just as Mr. McBride was saying, tin can sardine type things. That is not the look that we are going for. The Building Dept. had given some comments on that also and made some recommendations just about the general language of how to present

that. Mayor Jensen added, and we can adjust things to that even with the Special Use permit when they come forward to say that we want to see more.

11. ORDINANCE NO. 52-21 – 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 8.58 ACRE PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER OF MIDDLETON ROAD AND NAGEL ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-150 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY Planning Referral

Mr. Gasior stated that this item was presented to Planning Commission back on June 16th. Frank Jaram wants to rezone the southwest corner of Middleton and Nagel Roads. Council has the exhibit attached to their packets. This is part of our rezoning from residential to commercial. The proposed rezoning is south of I-90 and therefore it is covered under Article 7, Section 2 (e) of the Charter, so Council has to first of all act favorably to grant the rezoning and then if Council does act favorably to grant the rezoning, then the next step in the process for Council is to then by Ordinance or Resolution, vote to place the issue on the ballot at the next General Election. Because of the lateness of the date that this was presented, it would be impossible for Mr. Jaram to meet the deadlines that the Board of Elections has put out there which Mr. Gasior thought is August 4th to get on the November General Election ballot. So the item is here on the agenda primarily for him to just explain that to Council: that with three readings and a Public Hearing, the earliest that Council would probably be able to act would be somewhere around July 21st and it would take 30 more days for the Ordinance to become effective which would take you well past August 4th. And then you would still have to pass another Ordinance or Resolution to place the issue on the ballot.

Mr. Gasior said that he spoke to Mr. Jaram and told him that there was no way that this can make the ballot in November. Mr. Gasior said he knows that Mr. Jaram presented a plan to Planning Commission and Planning Commission voted 5 – 0 to recommend the rezoning and but for the timeline it would be before you tonight. Mr. Gasior said his recommendation is to place this on the agenda for Monday, June 28th and Council can just simply vote it down by a motion to table indefinitely. You could conceivably allow this to go three readings, hold the Public Hearing, and pass it in August, but he would not be putting an Ordinance in front of Council until almost a year later and he is not sure that is what Council wants to do is to have a recommendation of Planning Commission made June 16th of 2021 and then an Ordinance to place the issue on the ballot maybe as late as May or June of 2022. He did speak briefly to the Council President while he was on vacation and said that issue might have to go back to Planning Commission just for them to review it again 6 months from now and then start the process in February or March, pass everything by May or June, and there should not be any problem in getting on the ballot in November, 2022.

Mayor Jensen stated that Planning Commission voted in favor of it; we had no objection for it going to the ballot for the residents to make that decision of whether it should be rezoned. Planning Commission did have an objection to any Special Meetings or ways of advancing it quicker than it would normally go through. Planning felt that it should go through the process exactly the way the process is set up and there should be no favors done for the developer to try and help get it on the ballot sooner. As he told Mr. Gasior, and he talked also to Mr. Jaram earlier today, that in his capacity as Mayor, he was not in favor of having Special Meetings or trying to do anything we can do to facilitate it. Mr. Jaram understood that and he would be willing to wait until next year and then have it go on the November, 2022 ballot so there is not a real hurry to make a decision right now in terms of moving forward. At the Planning Commission meeting, there was nobody in the audience who had an objection to it. Some residents have had concerns about where they lived in that area and Mr. Jaram had said something about buffering, etc. but again, our concern

was just not moving it forward faster than it needed to be so the Mayor said he was in favor of tabling it indefinitely but Council will have to make that decision.

Mr. Fischer stated that, after speaking with Mr. Gasior over the weekend, we did try and come up with time frames and we knew that there was just no way that this could get on the ballot this year. Right now he is in favor of not having it on next week's Regular Meeting and to probably refer it back to Planning Commission maybe sometime in January to make sure that they have plenty of time within the timeframe; it gives them one last chance to look at it. Right now, if they cannot get on the ballot there is no reason that we need to rush anything. So depending on what the rest of Council thinks, that is what he was thinking right now was referring it back to Planning Commission for some time in January.

Mr. McBride said that since the rezoning is in his Ward, Mr. Jaram called him a few weeks ago and Mr. McBride told him that obviously it needs to go on the ballot and that he might run up against a timeline to get it on the ballot. Mayor Jensen said, and in Mr. Jaram's defense, he thought that Mr. Jaram felt like there was enough time but when he did the math, it did not work out. He did really believe coming forward, that he had enough time. When the Mayor talked to him today he was ok with this; he would rather do it now but he was ok with waiting until next year if that was the way it had to be. He was concerned if he could start then the first of the year moving forward and the Mayor thought they all agreed that would not be an issue.

12. ORDINANCE NO. 53-21 – APPROVING MODIFICATIONS TO THE SANITARY SEWER MASTER PLAN AND ADOPTING SAID MODIFICATIONS AS REVISIONS TO THE OFFICIAL SANITARY SEWER MASTER PLAN Planning Referral

A Public Hearing will be held on Monday, August 9, 2021, at 7:25 P.M.

Mr. Gasior stated, just as an aside, that Public Hearing date of August 9th would have been the Public Hearing date of the Jaram rezoning, which obviously is five days past the deadline of August 4th. It would have been very difficult for him to do anything.

Mr. Cummins stated that the applicant for the sanitary sewer modification has approximately 4 acres of property. It is in the sanitary district that stretches from I-90 up to the railroad tracks. It does not currently have sanitary sewer service in that district in this particular area. It butts up against a property, the apartments on Chester Road, that is in a different district that does have a public sanitary sewer running along its eastern property line, the common property line. We have been talking with this applicant for a number of months. We did studies of whether we could take this 4 acres and move it from one district to the other and the studies showed that there was capacity there. Due to its location up against I-90, it is at the very upper reaches of that sanitary district so changing it from the current district it is in to the adjacent district does not have any detrimental effect on any adjacent properties. We are not cutting anyone off or anything like that. In addition, the applicant has agreed in concept to extend the public sanitary sewer which is on the apartment property, to extend it to the east all the way through their property so that the next parcel to the east, which would be left in the current sanitary district, would have the opportunity at a later date to potentially change the district so that that parcel could also go to development under the C-4 zoning. They have agreed to provide a public sanitary sewer, it would come back before acceptance, and it would be a Developer's Agreement. They have agreed to provide all necessary easements, both for the sanitary sewer and in areas within their site that would help the Utility Dept. maintain the existing sanitary sewer that is on the apartment complex site because there is not good access to that sewer. Mr. Cummins said he believed that it got a favorable rating from Planning Commission and he would be happy to answer any questions.

13. ORDINANCE NO. 54-21 – TO AMEND THE SPECIAL USE PERMIT FOR AVON PROPERTIES, INC. (dba BOB-O-LINK GOLF COURSE) TO ALLOW FOR CONSTRUCTION OF A NEW POLE BARN LOCATED AT 4141 CENTER ROAD

Planning Referral

Mr. Gasior said that this is pretty straightforward. Bob-O-Link was in maybe a year or two ago for a pole barn and now they need another one. They have plenty of acreage and he does not believe there is any issue with regard to the limits on the number of buildings with the amount of acreage they have. They are using this for the golf course. There were no comments or concerns during Planning Commission and he does not see any concern here either.

14. RESOLUTION NO. R-15-21 – REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO THE CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY OF AVON HAVING TERRITORY LOCATED IN LORAIN COUNTY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A ONE-HALF (.50) MILL RENEWAL LEVY FOR THE AVON POLICE DEPARTMENT

Mr. Logan

To be Considered at a Special Meeting Immediately Following this Work Session

Mr. Gasior noted, with regard to Resolution No. R-15-21 and Resolution No. R-16-21, that they were previously passed as Resolution No. R-13-21 and Resolution No. R-14-21. The reason for the change is in the first section of each Resolution where it says (3rd line), “...the total current tax valuation of the City of Avon **that has territory located in Lorain County**”. Under a statute that was passed in 2017, that language (in bold) has to be in there. It was not in the earlier version because he believed we just went back to the old 2016 Resolutions and used them as templates and so we missed that. Also, in Section 3 of Resolution No. R-15-21, it repeals Resolution No. R-13-21 and in Section 3 of Resolution No. R-16-21, it repeals Resolution No. R-14-21. Assuming Council passes these new Resolutions tonight at the Special Meeting, they will go to the County tomorrow morning by email. The County has 10 days to give us the valuation. As soon as they give us the valuation, we will be able to bring forth the Resolution to place it on the ballot. He was sure that we will have that ready for a vote by either a Special Meeting on July 6th, or the Regular Meeting on July 12th and then we will be fine with regard to meeting that August 4th deadline.

Mr. Gasior also pointed out that in Resolution No. R-16-21, in the first “Whereas” clause, the fire levy was a replacement; it was not a renewal. The Clerk has the corrected version and will be printing that out.

15. RESOLUTION NO. R-16-21 – REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO THE CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY OF AVON HAVING TERRITORY LOCATED IN LORAIN COUNTY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A ONE-HALF (.50) MILL RENEWAL LEVY FOR THE AVON FIRE DEPARTMENT

Mr. Logan

To be Considered at a Special Meeting Immediately Following this Work Session

16. RESOLUTION NO. R-17-21 – OPPOSING THE PASSAGE OF THE OHIO SENATE BUDGET AMENDMENT TO SUB. H.B. 110 INsofar AS IT PROHIBITS OR SIGNIFICANTLY LIMITS THE OPERATION, MAINTENANCE, OR CONSTRUCTION OF BROADBAND SERVICES BY GOVERNMENT-OWNED NETWORKS IN THE STATE OF OHIO

Mr. Butkowski

To be Considered at a Special Meeting Immediately Following this Work Session

Mr. Butkowski stated that he came across this amendment to the State budget which is a two-year budget. Part of this amendment talks to the ability for municipalities to create or generate their own broadband service providers. We have heard from many residents about the opportunity that could be presented here in Avon and we have also heard of municipalities like Hudson, Fairlawn, Medina County, and Wadsworth also creating those within Northeast Ohio. This amendment was buried in the 3,000 page State budget proposal basically on page 212 where their amendments come out. We have heard from our residents about generating broadband service providers in the City and whether we choose to move forward with an option like that for our residents or not, if this State bill is passed by June 30th, that option is taken away from us and the opportunity to present something to our residents if we so choose is taken away from us. So he would recommend that we pass this Resolution of opposition tonight at a Special Meeting so we can get this to Columbus before the June 30th vote. He knows that the Senate passed it, but the House still needs to review it before it goes before a final vote. If anyone has any questions, he might be able to help out from his perspective on it.

Mr. McBride said that this amendment has been talked about in the news and the interesting thing is it was inserted in the budget bill and nobody seems to know where it came from; nobody is taking credit for it. He believes that we should pass this Resolution of opposition and move it along. He said that he knows of a couple cities that have said that whatever the State passes, they are still going to provide the broadband service.

Mr. Gasior stated that he has a letter that is addressed to Gov. DeWine, Sen. Manning, and Rep. Stein and it would be signed by Council President Fischer and members of the Avon City Council if you do go forward and pass this tonight. We will mail the letter along with the Resolution of opposition. But aside from the issue with broadband, from a legal standpoint to him, it is an infringement on home rule and we have had a lot of attacks on home rule over the last 20 years and this is yet another one. The last time the State stuck something in one of these large bills was just before Christmas, in 2017, and it had to do with small cell and that led to court action and if this stays in that budget bill, he is sure there will be court action again and part of the objection that will be raised by municipalities will be home rule in addition to the things that Mr. Butkowski mentioned.

Mr. Fischer thanked Mr. Butkowski for not only spotting this, but bringing it to our attention so that we could have it on the agenda tonight. He said that he strongly supports this Resolution opposing the passage of this bill; it is very peculiar that it was hidden in a budget bill. He thought that the cable companies are starting to feel the heat of a lot of angry customers wanting more options. Agreeing with Mr. Butkowski, he does not know if this is something that we would ever do and also agreeing with the Law Director, because it would be taking away our home rule, he strongly supports opposing the passage of this bill.

17. REPORTS AND COMMENTS

MAYOR JENSEN stated that this is going to be Police Chief Bosley's last week so anybody that wants to give him a final farewell or talk to him can reach out to him this week. He will be retiring and well wishes would be welcome.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 – had no further comments

MRS. HOLTZMEIER, AT LARGE – had no further comments

MR. McBRIDE, WARD 2 – had no further comments

MR. MOORE, WARD 3 – had no comments

MR. RADCLIFFE, WARD 4 – had no further comments

MR. WITHERSPOON, AT LARGE – had no further comments

MR. FISCHER, AT LARGE – had no further comments

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER – had no further comments

MR. FARMER, SERVICE DIRECTOR – had no comments

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR - absent

MR. GASIOR, LAW DIRECTOR – had no further comments

MR. LOGAN, FINANCE DIRECTOR – had no further comments

MR. STREATOR, SAFETY DIRECTOR – had no further comments

AUDIENCE;

David Keehan, 951 Jaycox Road, stated that Advanced Polymers is the company that he is with but they also have a company proposing the building of storage condominiums in the City and that is what he wanted to quickly talk about. He just wanted to share that they are going to be upscale condominiums; the sale price right now is \$100,000 per unit. They are working with an architect to design them and they will be subject to an owners' association which then would have bylaws. Part of what we would put in the bylaws is not operating a business out of there so we are trying to address everything and doing our research from the standpoint of different units.

Mr. Fischer asked what size it would be for \$100,000 and Mr. Keehan said that would be just under 1,000 sq. ft. Mr. Fischer then said that Mr. McBride brought up the type of structure that you are putting up and the materials you are using, etc. Mr. Keehan said that what they are looking at is kind of similar to their Advanced Polymer building which has a stone facing, so the storage condominiums would be something similar to that from a structure standpoint.

Mayor Jensen asked how long Advanced Polymers has been in Avon and Mr. Keehan said since 1970. The Mayor said the reason we asked Mr. Keehan to be here tonight to address Council is not only because it is a strong business but everybody realizes if we allow one storage facility to come in we have to have the ability to allow others to come in but if we use his footprint of how we do it, we can build on that and make changes if we need to. As Mr. Radcliffe said, people are looking for these storage facilities now; they want something bigger so we do not want to lose out on the opportunity that is out there right

now. We want to make sure, though, that it is a nice facility if it is going to go in and that we can control things. Again, maybe using this blueprint to move forward, we can help assure that. Mr. Keehan said that they are going to be very mindful of what they do because they are not going anywhere. There was a variance a few weeks ago for Advanced Polymers to expand their building; they are looking to expand their footprint by 20,000 sq. ft. They have been in Avon a long time so they are going to make sure that they look out for the community too.

Mr. Witherspoon asked Mr. Keehan if he was going to go on record as to the owners association not permitting any businesses to be run out of the storage units, and Mr. Keehan said, yes. Mr. Witherspoon added that that was one of the things that we were concerned about. Mr. Keehan said, yes, they will address that.

Mr. McBride asked Mr. Keehan if they were intending to install restrooms or kitchenettes in the buildings? Mr. Keehan said that everything would be roughed in, so finished off, they could put a bathroom in there so the plumbing, etc. would be roughed in to that extent. They were not planning on kitchenettes but would consider what other storage condos, etc. are doing and would work with the City as well. Mr. McBride stated that our thought was that the facilities would have restrooms, floor drains, hot and cold running water so that it is a first class storage facility. Mr. Keehan said, and that is what they are targeting – the high end. There are a lot of people who have the bigger RVs and boats, and cars that they want to store.

18. ADJOURN

The Work Session of Council was adjourned at 8:32 P.M.

PASSED: _____

SIGNED BY: _____
Brian Fischer, Council President

ATTEST: _____
Gail A. Hayden, Assistant Clerk of Council