

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 7, 2022
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:48 P.M.**

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

ABSENT: Mayor – Bryan Jensen

Council President Fischer advised they would be adding item #12a to the agenda, which is Resolution No. R-4-22 – In Support of Submission of a Safe Routes to School Implementation Grant Application for the Nagel Road Pedestrian Improvement Project.

1. [ORDINANCE NO. 3-22 – 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 NAGLE ROAD, PERMANENT PARCEL NO. 10-04-00-022-150 FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS/GENERAL BUSINESS DISTRICT OVERLAY](#) Planning Referral

A Public Hearing will be Held on Monday, February 14, 2022 at 7:25 p.m.

Third of Three Readings will be held at the Regular Meeting of Council on Monday, February 14, 2022

Ms. Fechter advised there was nothing new to add to this item.

No questions were asked.

2. [ORDINANCE NO. 12-22 – GRANTING A SPECIAL USE PERMIT TO RAISING CANE’S RESTAURANTS, LLC TO CONSTRUCT A 3,331 SQ. FT. RESTAURANT WITH AN OUTDOOR PATIO SEATING AREA FOR PROPERTY LOCATED AT 35545 CHESTER ROAD](#) Planning Referral

Ms. Fechter advised Raising Cane’s is coming to Avon and a lot of the residents are excited to see them finally coming to town. She said they have been approved at Planning Commission and they are proposing an 875 square foot patio on the southwestern side of the building and they will not have any live music, but it will be piped in from the dining room. Ms. Fechter said a representative from Raising Cane’s is present if Council has any questions.

Mr. McBride inquired if there was a layout they could put on the screen.

Ashley Newnam, Development Coordinator with Olio Development Group of 1062 Ridge Street, Columbus was present representing Raising Cane’s and thanked Council for hearing their request.

Ms. Fechter advised they have had conversation about adding bollards to the design and the bollards have been incorporated into this design.

Ms. Newnam pointed out the location of the patio on the elevation design layout that shows the proposed canopy for the patio. She advised during the Planning Commission meeting it was requested that they add bollards around the patio for pedestrian safety since the drive-thru abuts the patio area. So they added 14 bollards around the patio and the bollards are black and will be harmonious with the overall building design and color scheme as requested.

Ms. Fechter advised the Olio Development Group has worked very closely with the Planning Commission along with the City Safety Director and the Fire Department to make sure that those bollards are located where the City would like them to be with proper spacing and that they were included around the entire patio.

Mr. McBride asked in terms of stacking if they were going to block in parking spaces with the drive-thru line.

Ms. Fechter advised they will have 2 drive -thru lines.

Ms. Newnam said she was not sure if she had a layout that shows the stacking spaces with her, but as a corporate standard they keep six stacking spaces between the drive-thru window and the menu boards for operations and that was not the full drive-thru line.

Ms. Fechter said looking at the renderings they could see most of the parking is going to be on the east side of the building. She stated patrons would come in and the menu board is first and the line breaks off into two separate lanes once you order. Ms. Fechter advised the only thing it blocks is the escape lane that was added and all the parking is on the other side.

No further comments or questions.

3. [ORDINANCE NO. 13-22](#) – GRANTING A SPECIAL USE PERMIT TO AVON REALTY HOLDING, LLC TO DEVELOP 5.55 ACRES OF LAND INTO AN 82 BED SKILLED NURSING FACILITY TO BE LOCATED ON THE EAST SIDE OF NAGEL ROAD, NORTH OF PRIMROSE SCHOOL Planning Referral

Ms. Fechter advised Michael Slyk of Aspire Regional Partners, Inc. came before the Planning Commission proposing an 82 bed nursing home to be located on Nagel Road. She said they have had a number of conversations about the layout of the facility, and they will be getting a portion of Avon Commerce Parkway installed with this addition of the business. Ms. Fechter stated Avon Realty Holding has also provided their non-emergency protocols and have been very active in working with the Safety/Service Director and the Fire Department on what their protocols are and some of their programs available. She advised unfortunately there was not a representative here from the company, but if Council has any questions she would try to answer them or find out for them before their vote next week.

Ms. Fechter confirmed it was a positive recommendation from the Planning Commission in answer to a question from Mr. Fischer.

4. [ORDINANCE NO. 14-22](#) – TO ADD SECTION 1222.02(b)(44a) AND TO AMEND SECTION 1270.03(b)(3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON, TO PERMIT DRIVE-THRU BANKING IN THE C-4 GENERAL BUSINESS DISTRICT WHEN NOT ASSOCIATED WITH A PRINCIPAL USE ON THE PROPERTY Planning Referral

A Public Hearing will be held on Monday, March 14, 2022 at 7:25 p.m.

Mr. Gasior advised this matter was presented to Planning Commission and what they are proposing is to install a stand alone video teller machine on a piece of property off SR 83. He said in order for the business to be able to do that they have to have a physical bank on that property under the City Code. He said on the document he submitted to Council last Friday there were some highlighted areas and that is how it was submitted to the City by the applicant. Mr. Gasior stated the key piece is 1270.03 (b)(3) that says drive-thru facility associated with a permitted principal or special use. He said they go on from that to define principal use in 1222.02(b)(97) and clearly the applicant does not meet that definition as they do not have a principal use. Mr. Gasior advised CommStar's proposal was to amend the Code in several sections and over the weekend he had a chance to review their proposal and what he has done and provided to Council through the Clerk's office is a revised Ordinance No. 14-22, which simply adds 1222.02(b)(44a), which is a new definition that would be included in Avon's Codified Ordinances of a financial institution that would include many of the types of uses that are being proposed, one of which is a credit union. Mr. Gasior advised he does not believe that it was absolutely necessary to include in the definition because he thinks under 1270.03(a)(2) Financial Institutions, it is covered, but they

proposed that. He said the key amendment is to eliminate that word "principal" in 1270.3(b)(3) and that is the decision that Council has to make if they are going to make the amendment, they are going to have to eliminate that word "principal" as that seems to be the stumbling block.

Ms. Fechter noted this was a negative recommendation from the Planning Commission with four against and one member absent.

Mr. McBride advised CommStar is already in town and has a principal place of business, but his fear is that if they pass that legislation as proposed that there would be a number of financial institutions and other businesses that would set up a kiosk. He said he may be amenable to permitting the use because CommStar already has a principal place of business inside Avon as long as it is staffed and full service, but the minute that would get cut back and is not staffed then the kiosk could go away as far as he is concerned. He said he does not know because they want to provide jobs here and they want businesses that will generate revenue and not just come in and take and then leave.

Dave Jezewski, CEO of CommStar Credit Union, advised their office was located at 36500 Detroit Road, Avon and when they first started having these discussions one of the concerns was the scope of drive-thru's. He said he can remember at Midway Mall where you could get keys made in a kiosk and he feels that is was wise for this governing body to narrow that down to include only financial institutions as that would alleviate any concern for other businesses. Mr. Jezewski stated as far as the "just up and leave" type scenario, when they originally thought this was a permitted use, this stand alone banking was always going to be a replacement branch, so they were not planning to build it for it to close shortly afterward. He advised they have a lot of ties to Avon and the community and with Bendix being their founding group, so Avon was not something they had casual discussions about. The replacement of the branch in Avon was basically to continue to have services in the City, serve the community, expand the hours and develop this new technology that is more affordable, which is a win for the community and a win for the Credit Union as a not for profit. Mr. Jezewski said CommStar's commitment, even before they found out from Zoning that there may be some problem with the language in the Code, they invested in the technology and they executed a land lease and it was not something that was fly by night.

Mrs. Holtzmeier advised looking at the Ordinance, while they are talking about the restriction of financial institution and drive-thru and just so that she clearly understands that the City is not restricting this technology in a brick and mortar bank, but only because it is a stand alone drive-thru bank. She said similar to Bank of America having an ATM inside of a retail store, this could be employed in that same scenario. Mrs. Holtzmeier stated there is a pathway that already exists, but the rub is that this technology would be a stand alone at its own independent location.

Ms. Fechter said that is correct. She added that the problem is that to have commercial development they would need a minimum of one acre and 150 feet of frontage so that is why the City has all drive-thru facilities associated with the principal use. Ms. Fechter stated that is why it is stated that the principal permitted use and why she mentioned earlier that stand alone bank would almost have to be dispensing beer from Railroad Brewing Co. to be allowed to go on that site. She said it is a bank, separate use, so it is not associated with that principal use. Ms. Fechter advised Mr. Jezewski is requesting a stand alone on a parcel operating.

Mrs. Holtzmeier advised for her she tries to separate the two because they are really looking at our Code and how this might apply, not just to this one applicant, but to all so that is really job one here. She said she is not in love with the chosen location, but she would not let that cloud her looking at this legislation.

Mr. Jezewski advised as he stated before he thinks that for awhile CommStar was focused on the where because they already thought it to be a permitted use and had already applied for permits and made the land lease investment and made the machine investment and the reason that parcel was chosen. He said but then it evolved into it would not really matter if he had 50 places to put a stand alone drive-thru bank because the approval process would have to start here with amending the language in the Code. Mr. Jezewski stated he agreed that even if that particular parcel does not work out, it is moot if they cannot change the language for a stand alone drive thru for a financial institution.

Mrs. Holtzmeier inquired when they talk about banking does he see that an independent teller station would be a source to expand or drive the business or would it be to maintain.

Mr. Jezewski advised in Avon they like to have a presence because CommStar has a lot invested in Avon, but overall CommStar is going to expand service. He said the first part of that is that CommStar will be expanding hours so that people can do full-time banking longer than they are able to do currently. Mr. Jezewski stated within communities in and around Lorain County this type of technology allows not for profit credit unions to expand their footprint without having the massive expense to have brick and mortar buildings. He said that is all part of CommStar's plan and to continue to serve the community they have especially with the employment base at Bendix, which is where they started; and expand their hours and continue to offer choice to residents instead of just regional banking.

Mr. Radcliffe advised for clarification on the hours and the expansion and the other question he had was in relation to signage or how CommStar plans to advertise this banking option for the community along SR 83. He said when driving up to this proposed location in the parking lot, the customer would be speaking to a live person through a video screen.

Mr. Jezewski confirmed that to be correct.

Mr. Radcliffe advised the CommStar employees who would be working this system would be physically at one of the other CommStar locations.

Mr. Jezewski said yes, they would be operating out of the call center in Lorain.

Mr. Radcliffe said and those hours are going to be expanded for Lorain for those employees working in Lorain at the call center. He stated he was trying to see how that carries over into the proposed situation in Avon. Mr. Radcliffe advised a patron could pull into the parking lot of Avon Brewing Co. at 7 p.m. and transact their banking.

Mr. Jezewski advised all of the CommStar offices are going to be receiving these machines; Elyria, Lorain and hopefully Avon. He said once these banking machines are deployed, CommStar will expand those full-service hours to all locations. Mr. Jezewski stated then the call center, which is located in Lorain, will handle the administration of those machines and the interaction of those machines, but all the machines are going to offer full-service banking.

Mr. Radcliffe inquired what is different from what he just explained than someone just sitting at home on their computer and conducting online banking services without having to get in their car and drive to the physical location of the kiosk to sit underneath the sign in the dark.

Mr. Jezewski advised that was mostly preference. He said he could not sit at home and deposit cash online. Mr. Jezewski stated some people want to talk to a live person, which is not available with the online experience. He advised there may be things that the customer can discuss with a live person, who can be in their account with them at the same time versus an online option where the customer is making transactions and they may have to message out any question that arises. He advised this banking option of the kiosk would be more of an instantaneous resolution to any questions or issues.

Mr. Radcliffe asked for clarification that the technology does not transfer over to anybody on their home computer who has a video/audio connection to interact in that way, as he felt that would be the same except for the cash transaction.

Mr. Jezewski advised that is correct, it does not.

Mr. Radcliffe advised the City has appreciated everything in working with CommStar as a business in Avon over the years and they want to see them stay. He said the struggle in his mind is to keep other businesses here and those people employed in Avon. Mr. Radcliffe stated he knows there have been some issues with CommStar staying at the location on Detroit Road and that is now closed and they are trying to work through that, but he

struggles with how that is going to fit into a number of other businesses for a stand alone use versus within their principal business.

Mr. Jezewski advised that is why they are asking for it to only apply to financial institutions. He said as far as the member experience goes, it is very much the same reason why people want to drive up to a drive-thru instead of walking into the lobby. Mr. Jezewski stated that drive-thru experience would be no different with this technology. He said instead of having pneumatic tubes to carry the transaction back and forth between the customer and the teller, it is a similar interaction as if the person were sitting next to you.

Mr. McBride advised the jobs are in Lorain, so the City would not be getting any income tax revenue. He said this stand alone bank concept exists solely to take cash because otherwise a customer could do the transaction from home with online banking services and the employee of CommStar could basically work from anywhere they were connected through to the kiosk. Mr. McBride stated he is torn because the City of Lorain would receive the income tax revenue, but he also thinks Avon needs to be somewhat more progressive if this new technology is the wave of the future. He advised his gut feeling is to say no, but on the other hand he felt they needed to be somewhat progressive in Avon. Mr. McBride indicated previously his stance was a definite no, but now he is somewhat on the fence. He mentioned that City Council has overridden the Planning Commission a few times in the past when it was a negative recommendation from the Planning Commission.

Mr. Jezewski advised he has been telling this story five or six times to different governing bodies and he appreciates the time to be able to do that. He agrees that this is technology that is coming and that there will probably be other financial institutions that will try and deploy these machines. Mr. Jezewski said he looks at the landscape of no credit union choice in Avon and down to one community bank. He stated CommStar is committed to being here and they would ask Council to be forward thinking and take a leap of faith and a more holistic approach to offering service to the community and CommStar continuing to be a good partner with the City. Mr. Jezewski advised all that he is asking is that Council moves forward with changing this language so that CommStar can stay.

Mr. McBride asked how much of CommStar's current customer base is made up of Bendix employees.

Mr. Jezewski advised it is probably 11-12%.

Mr. McBride inquired as to who is eligible to open an account with CommStar.

Mr. Jezewski said currently anyone who lives, works or worships in Lorain County as well as the surrounding counties of Erie, Huron and western Cuyahoga.

Mr. Fischer inquired how many banks are in the City of Avon.

Ms. Fechter advised she does not know off the top of her head, but she would guess they were looking at a good 12+ if they look at the different brick and mortars, although Northwest Bank is closing. She estimated it may be in the neighborhood of 10 banks. Ms. Fechter said they have some banks that are inside grocery stores and she apologized as she does not have the exact number, but she could get that for Council.

Mr. Fischer said he was thinking it might be a little more than ten. He stated his concern is setting a precedent for other businesses to shut their doors and pop up a kiosk and send everyone home and the City losing all that income tax revenue and tax base from those institutions and no longer having the brick and mortar. Mr. Fischer advised the Ordinance says it applies to financial institutions, but there are more than 10 here in the City. He said he worries about the Code and taking that big word of "principal" out of that section. Those are his concerns.

Mrs. Holtzmeier advised when she asked Mr. Jezewski about the expansion, she appreciated that he talked about the expansion of hours and capabilities, but to be clear she was looking to ask about the expansion of the number of customers or members that they serve. She said understanding banking and the reason banks build buildings is because they want to serve both the commercial accounts and small business accounts and retail accounts. Mrs. Holtzmeier stated they keep those buildings because that is where people tend to come and

where they can achieve new accounts. She said she is curious that without a building as to how many more new accounts they were hoping to serve or were they just looking to maintain what they have.

Mr. Jezewski advised they are definitely not in the hold steady mindset. He said typically they try to grow between 4-8% every year. Mr. Jezewski stated in looking at 2019 through 2021 with the pandemic and now they have reluctant staff returning and what that has taught people is not to come into the lobby of a bank, but that has not slowed down account openings. He advised CommStar is the only credit union in Lorain County that offers commercial lending services and they have a dedicated representative that handles those relationships and a lot of those commercial institutions have been very hesitant to have people come to them or for them come in to the bank lobbies and as a result a lot of them are being done via Zoom or other video technology. Mr. Jezewski said they are not looking to hold steady and CommStar feels the deployment of these ITM's, which will allow them to expand hours, will give people who are not members of the credit union currently a greater choice by realizing they can still do full service banking with CommStar. He stated they think that with the additional hours and additional footprint that they hope to have might drive new memberships.

Mrs. Holtzmeier asked without a physical presence in Avon as to how many Avon customers/members does CommStar have that live or work in Avon that would have to go somewhere else.

Mr. Jezewski advised 11% of their total transactions run through Avon.

Mr. McBride asked if possible if Mr. Logan could look at some of the local banks, including CommStar, and determine the income tax revenue that was generated from the employees working in Avon; for example, if they were generating an estimated \$12,000 a year in income tax revenue to the City. He said if that is the case and the building was an XX number of square feet he asked what other business could be put in that space that would generate more revenue than CommStar. Mr. McBride stated they have a number of bank buildings in town that might be minimally staffed unless there is a loan officer or someone else that is full-time at an Avon location. He asked what kind of income tax revenue the City was generating off of those properties.

Mr. Logan advised he believes they are all staffed about the same and does not believe that CommStar ever opened their lobby back up once it shut down due to Covid.

Mr. Jezewski clarified it was open for a short amount of time for the last year, but it had basically just been the drive-thru.

Mr. Logan advised they could certainly look at what income tax revenue was generated by CommStar and the other banks in Avon.

Mr. Jezewski said he is available to answer any questions and is asking for this to move forward.

5. [ORDINANCE NO. 15-22](#) – TO AUTHORIZE THE FINAL PLAT AND SUBDIVER'S AGREEMENT FOR GRANDE ESPLANADE SUBDIVISION, PHASE 1 Planning Referral

Ms. Fechter advised there is a final development plan for Grande Esplanade for Council's consideration that was a negative recommendation from the Planning Commission because the developer does not have property rights at this time for the connection to the sewer. She said there is a representative present from the company who would like speak to City Council.

Aaron Evenchik, Esquire advised he is here tonight with Dennis Rose, Esquire and they are Attorneys with Hahn Loeser & Parks LLP representing H-9 LLC, the proposed applicant. He said he thinks that the applicant and the City have a joint and shared problem when it comes to this access. Mr. Evenchik stated he looked at the proposals that were linked to the Ordinance or the two Ordinances on tonight's agenda and the rejection Ordinance says that the City should reject this because of the lack of access to a public sanitary sewer. He advised the City recognized that right away that the City wants there to be access to the sewer and the City wants there to be interconnectivity for traffic as that is consistent with the City's Master Plan and it is consistent

with the City's Zoning Code. Mr. Evenchik stated the City's Zoning Code section 1220.03 requires efficient traffic circulation, and section 1246 which deals with traffic states that the City wants convenient and safe streets. The City wants that interconnectivity, space for public utilities. 1246.04 requires street arrangements so that all streets can be served and abutted to neighboring streets. He said what they are going to hear a lot about tonight is 1246.04(6), reserve strips, as those are specifically prohibited and to the extent that any of the City officials have looked at a photo or site plan for this subdivision, what they know is that Grande Esplanade wants to connect to the circle at St. Theresa Blvd. He stated there is a residential traffic circle there now with a very small reserve strip, a strip of grass with a few trees, and that is what is holding up this development and causing a lot of problems. He said those are specifically prohibited in Avon's Zoning Code in 1246.04 to the extent that the City told H-9 LLC when they submitted their plan initially that the City wanted them to find the connectivity. Mr. Evenchik advised they have had these discussions for two years and one of the things that they heard that when Red Tail Phase 15 was approved that the City chose to waive that reserve strip prohibition and let it be and he does not think that is accurate and he does not believe that the City thinks that is accurate. He said the City can fix this and they fixed it before and there are a few ways they can fix it. Mr. Evenchik stated one way is when there is a long street road connection to Detroit Road for Ryan Homes, the City approved a final plat that showed a connection to the adjacent parcel and at the same time the City commenced appropriation proceedings and that is what they need to do here. He said the alternative is for H-9 to withdraw this plan with the connection to St. Theresa Blvd. and instead run the utilities along Nagel Road. Mr. Evenchik advised that was something the City did not want to do two years ago, and he does not believe it is something they want to do now. He said they know that the Nagel Road option is going to be a great inconvenience to the traveling public and frankly it is going to be a great inconvenience to the Red Tail Subdivision and its golfers and residents, and it is not what the City wants.

Mr. Evenchik said the other concern H-9 has and the City officials all received a letter from their client, Peter Restivo, Managing Member of H-9 LLC addressing the delays in getting this project approved. This project was originally submitted in November of 2019 and it was December of 2019 when H-9 was directed to make the connection at St. Theresa Blvd. Mr. Evenchik advised H-9 have tried to work with the City and have submitted 2 different preliminary plats, both approved, but yet at the last Planning Commission meeting on January 19, 2022, the engineer said he had not completed his review yet. He felt the City was playing games and he could see that it annoyed the Mayor, it annoyed the Law Director and they told the Planning Commission that it was time to vote and move it to Council so that they could have tonight's discussion on these issues. Mr. Evenchik said that he does not believe they have a complete review of the engineering plans and it has been three weeks. He stated meanwhile, they have homebuilders interested in lots and it is a very hot market and the delays are clearly damaging H-9 LLC.

Mr. Evenchik advised one of the things he looked at was the minutes of the Planning Commission meetings and he read where the Mayor made a comment on the November 2021 meeting that this is really an issue between two adults. He said it was portrayed that somehow this issue is solely between Mr. Restivo and his companies and Carnegie companies and that is not the truth. He said the reality is that H-9 LLC has offered far in excess of the value of that reserve strip. Mr. Evenchik stated he is going on record right now as he said before the meeting started that they offered \$50,000 for vehicular and for utility access over that reserve strip disconnected completely from any other disputes that might be going on between those two parties. He said let's at least fix the problem now so that they do not have to have the project going along Nagel Road, but they need to know as soon as possible and he was told these things could not be disconnected. So, that means it is time for the City to act if they want to avoid going up Nagel Road. He advised the City can commence appropriations and also approve the preliminary plat for Grande Esplanade at the next meeting.

Mr. Evenchik said he knows the City has Steve Freedman's memo who is representing H-9 LLC as well and how the City has the right of appropriation, "This is a public use under the Ohio Revised Code Section 709.01 and 163.08. The City will obviously take this land and hold it as it will be dedicated for public use for access and utility rights and that is very consistent with Ohio law. Ohio Revised Code section 719.01 permits the acquisition of property for an opening for a street or public space. ORC 163.01 (h)(2) says specifically that a road is a public use." Mr. Evenchik stated they may be asking themselves how they are going to do all of this and have all this time and work and Ohio Revised Code answers that as well. He said ORC 163.08 permits what is called a quick take. A quick take means the City decides enough is enough and that they do not want this project going up

Nagel Road and that they are going to go to court and commence appropriation proceedings and that small piece of property is taken. Then proceedings go on to figure out the value of that piece of property, but meanwhile the quick take enables that the property be taken and it enables the final plat to be approved and it avoids utilities going up Nagel Road, unless that is what they want. Mr. Evenchik advised he knows the City has done this before and he is sure they are going to hear from counsel for Carnegie Residential Development on why this cannot be done, but they looked at it and this is a conversation that has already been had. He said he is holding the Avon Planning Commission meeting minutes from January 15, 2014 and in this meeting the Law Director addressed a letter that was given to members on the same issue. The Law Director told Mr. Slagter that he believes that Mr. Slagter at the time believed it would be illegal for the City to approve a plat that showed access on a northern parcel that the City did not have rights to yet and it was special treatment to the applicant. Mr. Evenchik suggested City officials read these meeting minutes because the Law Director very clearly concludes that the City can do both and he concludes that "nothing is illegal and the efforts of the City to acquire that access will enable completion and is consistent with the City's Master Plan". He said that is really what they are here to do as they think the City has two choices. Choice number one is to say consistent with what they have been told for two years that the City wants Grande Esplanade to connect at St. Theresa Boulevard. He said that requires the City to approve the final plat over the objection of Planning Commission, which he heard Council Member McBride say that Council has done that a few times in the past. He stated or the second option is for the City to tell them to go up Nagel Road and that was no problem as the engineer is here and they would submit that plan instead and they would all deal with that. Mr. Evenchik advised if the City wants them to go on St. Theresa Blvd., they have tried multiple times to cut a deal with Carnegie Residential Development and it is not going to happen and that means the City has to commence appropriation proceedings and do it with a quick take and all of this moves ahead within a few months and minimizes damages for everyone.

Mr. McBride advised obviously a quick take benefits Mr. Evenchik's client and it is faster in theory to take that strip, if it is a strip as no one is showing him a layout of anything. He asked who pays for the legal fees and who reimburses the City for the funds expended to take that property. Mr. McBride stated in Avon, the City does not typically do things for developers. He said the City does not run the sewers, and he clarified that yes they have run the sewer lines in the past, but generally speaking that is the developers responsibility to pay for all of those costs.

Mr. Evenchik advised they would pay for it, no problem. He advised he disagrees with Mr. McBride fundamentally that a quick take benefits the developer as he feels there was a mistake made here when Red Tail phase 15 was approved with that strip. He said they have been stuck with that mistake for several years and they are trying to fix it and they will pay for that and whatever the value of that strip is, is far less than the \$50,000 they offered as it is a tiny piece of property and he was sure the engineer could tell them how long and wide that strip is.

Mr. Rose advised he sat as a City Council person for awhile in the City of Breckville and he understands from their seat that they are trying to sort this all out. He said somehow this issue has become connected to the disputes between Mr. Restivo and Carnegie Residential Development, but it is harming the City of Avon who he felt wants that property to get developed and the City wants to see those houses built and the City wants those property taxes. Mr. Rose stated this has to be a disconnect and the disconnect is for the City to do the quick take, which is allowed, and this Council has heard that they are willing to pay for it or send it up Nagel Road and the City will have to live with that decision and whatever it does to the residents for whatever amount of time it takes to get that completed. He advised that is the choice that Council has as the disputes may never be resolved between Mr. Restivo and Carnegie Residential Development and it was not fair to the City to ask them to resolve those disputes. Mr. Rose suggested they get this development done and he felt the quick take is the best way to get it done, but otherwise tell them to go up Nagel Road.

Mr. Radcliffe asked why they feel it will take years to run the utilities along Nagel Road because they do not have approved plans for Nagel Road.

Mr. Evenchik answered that is correct.

Mr. Rose clarified that it was not years, but it would take time and it would disrupt.

Mr. Radcliffe agreed it would be disruptive for that time period, but said it was approximately 1800 linear feet if he is understanding it correctly. He stated he just wanted to be clear with what is being said here tonight.

Mr. Rose advised their engineer could say how long that they believe it would take for all the work that has to be done.

Al Piatak, PE of Euthenics Consulting Engineers located at 8235 Mohawk Drive, Strongsville, advised the sanitary sewer down Nagel Road is about 1800 linear feet of sewer. He said they have met with two contractors to get a feel for how long that would take to complete. Mr. Piatak stated their initial thoughts were that it would take 2-3 months and that was confirmed by the contractor who estimates roughly 50 linear feet a day could be installed. He advised it is difficult work and because of other utilities in the right of way, mainly water lines and gas lines, the sewer has to go within the pavement. He said right now they have it designed to go down approximately the middle of the northbound lane of Nagel Road. Mr. Piatak stated Nagel Road will need to be shut down to traffic during construction of the sewer as it cannot be physically constructed without shutting the road for the safety of the contractors installing the sewer line. He advised conservatively he would estimate 3-4 months to construct the sewer.

Mr. Rose asked for permission for Mr. Piatak to show on the overhead the access and explain to Council where the street access will be on here otherwise where people will go.

Mr. Piatak pointed to the map on the overhead and explained that the connection that is being discussed tonight is the connection to St. Theresa Blvd. and they could see from a pure traffic engineering standpoint. He said this connection will allow for more immediate access for emergency services for a number of the streets within Red Tail Subdivision. Mr. Piatak stated if there was an incident on Lyon's Gate Run or St. Anne's Court there would be access through Grande Esplanade to St. Theresa Blvd. He encouraged Council to ask the Safety Services to provide their thoughts on it as well, but it would clearly provide a secondary access to Red Tail. Mr. Piatak advised looking at the big picture, Nagel Road is the obvious north/south route and if something were to happen along Nagel Road this access to St. Theresa Blvd would provide a secondary north/south access once Napa Blvd is complete or Williams Court. He said that was something else to think about.

Mr. McBride advised he thought there was a traffic circle where that connects in.

Mr. Piatak advised there is a temporary cul-de-sac at the end of St. Theresa Blvd.

Mr. McBride said there is just code for a fire truck to turn around and was nothing to do with a traffic circle.

Mr. Piatak confirmed that it is not a traffic circle, but just a temporary cul-de-sac.

Mr. McBride advised he is assuming that road will continue at some point.

Mr. Piatak advised he cannot speak to that.

Mr. Witherspoon advised it was mentioned that Nagel Road would be shut down for construction for a period of three months. He asked Mr. Cummins if that was correct.

Mr. Cummins advised the way that it has been presented with one traffic lane, it would be a deep excavation with slow work as noted. He said it would be likely that it would impact both lanes at the same time as they have to be able to get materials in and out and it is very likely that there would be a moving road closure as they progress.

Mr. Witherspoon asked if it would be completely shut down.

Mr. Cummins advised motorists would not be able to go through the work zone.

Mr. McBride advised install another lane.

Mr. Cummins advised that would be an option.

John Slagter, Esquire of Tucker Ellis LLP advised he is an attorney representing Carnegie Residential Development Corporation which owns the Red Tail Development and Golf Course. He said he has been in front of Avon Council in the past and with regard to communication relating to offers or attempts to acquire the property that H-9 is proposing to connect to St. Theresa Blvd. Mr. Slagter stated he would like to begin with an overview of how they got to this point. He said the proposal to resolve and settle this matter that Mr. Evenchik refers to he heard about for the first time about 60 seconds before this meeting started when he came up to him and said that they can stop this here and now and they were offering \$50,000. Mr. Slagter advised this is the effort that happened and he did not receive a call this afternoon, yesterday, last week or otherwise or that courtesy or that benefit, but he was not surprised. He said he found out that there was a letter from Mr. Restivo written to the City threatening the City because of all the damages that the City has caused to their client. Mr. Slagter clarified that the letter is from Mr. Restivo of H-9 to the City, but it was their attorneys who were cc'd and there was no question in his mind they knew about it. He said even though Mr. Evenchik and Mr. Rose are new at this, he believes they are the fourth series of attorneys he has seen since his involvement with Mr. Restivo. Mr. Slagter stated what is interesting about the letter is that they blame the City, they Mayor, the City Engineer, he was sure they blame his client, and they probably even blame him. He said but Mr. Restivo takes no responsibility for anything that occurred here. Mr. Slagter stated all the damages that Mr. Restivo claims are non-existent; there are not takings here. He advised the letter itself and their discussion talks about it, there is no absolute public necessity or reason why they cannot go to Nagel Road. Mr. Slagter said H-9 came in to the City and received approval of a preliminary plan some time ago and all they had to do was then go and submit the final plat. He stated if they feel like they could not get a deal with his client at some point in time then all they had to do was come in and get final approval. Mr. Slagter advised H-9 has had the time to do it and yet they have not done it so all these damages and threats to the City; claims that the City Engineer dropped the ball and did not do his job and in fact apparently at the last meeting, Mr. Gasior had to somehow step in and the Mayor had to step in because it was somehow the engineer's fault or problem; at least that is what Mr. Evenchik was perceiving as going on that the City had to somehow move this on because it was the engineer's fault.

Mr. Slagter advised they have worked with the City Engineer, and he has been very professional and he does his due diligence and he knows what is going on here and it is not the engineer's fault. He said the fact is there is an individual here that simply does not want to take responsibility. He said the fact also, because he was here during the meeting when the issue came up about this development, the City told Mr. Restivo they were not going to authorize, they were not going to take this property and he was advised to go talk to representatives of Carnegie Residential Development. Mr. Slagter advised they waited for them in the lobby and said they were willing to meet and talk to Mr. Restivo. He said days, weeks go by and no discussion. He said then they find out that Mr. Restivo files a false affidavit against Red Tail trying to interfere with a deal that Carnegie Residential Development had with Drees Homes. Mr. Slagter stated he had to go to court and file an injunction to get Mr. Restivo to remove that false affidavit that was filed because Carnegie actually closed on part of the property with Drees Homes and it was filed clearly in an attempt to interfere with that. He advised every single time they have had to deal with Mr. Restivo it has been smoke and mirrors.

Mr. Slagter said this alleged reserve strip, and he and his client do not believe there is a reserve strip located there, but the alleged reserve strip...but who was in charge and responsible for that? He said Euthenics who used to be the engineers for Red Tail and now they are working with Mr. Restivo and Mr. Restivo was Carnegie's consultant that was being paid to design this phase of Red Tail. Mr. Slagter advised Mr. Restivo claims that the City made the mistake, but he was the one driving the bus on the development for Carnegie and that is what they have been dealing with. He stated they have attempted from well over a year ago, they have said that if they are going to do a resolution, because there are a lot of issues going on, starting with how there was a clear cut of this property, channeling of property, channeling of water on this property. There have been issues that have been going on from the beginning and they have said that they need to sit down and they have to work through and try to resolve this entire thing. He said they have never said that they would never consider a resolution that would include that connection; however, it would have to be part of something else and that has been going for a year.

Mr. Slagter stated other these self-created emergencies when something immediately has to happen or if it is going to fit Mr. Restivo's need, or he can blame someone else, is when the City hears about it or they hear about it. He said Mr. Restivo only has himself to blame because if he wants to build this development then what he should do is go through the normal process and submit his preliminary plat again and get it approved and come in for final plat approval and go to Nagel Road. Mr. Slagter advised he does not believe that it would be a proper public purpose to authorize this under these circumstances. He said yes, he was involved and the matter that he handled in 2015 was a different set of circumstances, a different set of facts and there was no alternative access available, there was no preliminary plat that was approved and Euthenics would know this because when Carnegie came in for phase 16 they were not allowed to get preliminary approval of their plat until they showed they had an easement to give that access and that connection. Mr. Slagter said what they are here for tonight is the item that is properly before this body to determine whether the final plat should be approved or not. He stated Council has a negative recommendation from the Planning Commission because H-9 does not have ownership and the Code requires there to be ownership and based on that he believes that the plat as proposed should be denied.

Mr. Evenchik advised he agrees with Mr. Slagter on one thing and that is they are here tonight to determine or talk about that final plat and that final plat includes the connection to St. Theresa Blvd. and that is it. He said a lot of what Council heard otherwise is a lot noise about whatever might be going on between Mr. Restivo and Carnegie Development. Mr. Evenchik stated Council has to make a decision. Do they want to connect Grande Esplanade at St. Theresa Blvd. or do they want them to run up Nagel Road? He said it seems wasteful to have to go up Nagel Road when there is a perfectly good, publicly dedicated sewer right there at St. Theresa Blvd. that they can connect to that they can get them the type of connectivity they want. He said he does not represent Mr. Restivo relative to Carnegie Development as he does not know or care what is going on there. Mr. Evenchik stated what he spends his time doing is looking at Master Plans, looking at Zoning Codes and saying the type of connectivity that they want for streets and the type of connectivity that they want for utilities that happens at St. Theresa Blvd. He said that is what the City asked for in 2019, the connection at St. Theresa Blvd and they have been pursuing that and have not been able to cut a deal with Mr. Slagter's client and he has committed on the record and in front of this Council what they will pay to get the type of access they need for utilities and for vehicular access and he indicated they will pay for the associated costs related to the appropriation of the property. Mr. Evenchik advised he does not know what more they could do and he felt it was up to Council to decide if they want the connection at St. Theresa Blvd? If so, the only way to do that is through an appropriation and the City has done it before and they can do it again.

5a. [ORDINANCE NO. 15-22 – TO REJECT THE FINAL PLAT FOR GRANDE ESPLANADE SUBDIVISION, PHASE 1](#) Planning Referral

Mr. Gasior advised item #5 and #5a were for the same subdivision. He said item #5 should have a subdivider's agreement attached, but it did not arrive, and the subdivider agreement is not needed for item #5a to reject. Mr. Gasior commented that they would see what happens this week as far as getting the final engineering numbers and getting the subdivider agreement prepared.

6. [ORDINANCE NO. 16-22 – TO AMEND ORDINANCE NO. 122-19 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL LIFEGUARD POSITION FOR THE CITY](#)
Diane Szlempa, Human Resources Specialist

Ms. Szlempa advised the reason they are requesting the change for the lifeguard position is because the Administration would like for it to be similar to what the seasonal laborers within the City earn hourly. She said the language that is being changed is similar to the language in the legislation for the seasonal laborers that was passed in 2015. Ms. Szlempa stated they feel that if an employee is going to be a lifeguard and take the required training courses and become certified that they should earn at least as much as a seasonal laborer. She advised they also feel with the current labor market that the City will need to offer a more competitive compensation to hire the necessary number of employees at the pool.

Mr. Fischer asked the amount of the increase for this position.

Ms. Szlempa said the lifeguard position is a 30% over minimum wage for year one.

Mr. Logan advised minimum wage is \$9.30/hr. so starting position will be \$12.09/hr., which is 30% above minimum wage.

Ms. Szlempa confirmed Mr. Logan's statement and added that it would increase by \$1.00/hr. for each year over the next four years if they are returning employees. She said year 2 would earn \$13.09/hr., year 3 - \$14.09/hr. and so on. Ms. Szlempa stated they would top out at year 5, where the employee would receive all the compensation for year number 4 plus whatever the non-bargaining unit employees earn for a pay increase.

Mr. Fischer advised he knows they are competing with other cities.

Ms. Szlempa said yes and they are also competing with fast food and retail places that are hiring with no experience at \$15-\$16/hr.

Mr. McBride inquired as to what was plan B if this proposed wage is not high enough.

Ms. Szlempa advised they are hoping this is going to be enough. She said the City plans on sending out letters because it is a significant increase from last year for the returning lifeguards to see if they will be able to retain those employees and make it more attractive for lifeguards from other communities to come to Avon.

Mr. Radcliffe inquired if this wage beats other communities.

Ms. Szlempa advised Mr. Fattlar, the Aquatic Facility Supervisor, told her that this proposal is a very maverick way of thinking and being aggressive to get the employees needed for the City pool.

Mrs. Demaline inquired if there has been conversation when looking at compensation to establish a range that would give the Human Resources professional some discretion so that every time there is a change in the market they do not have to come in front of Council.

Ms. Szlempa advised that is what is nice where it states regarding minimum wage, so the scale is based on whatever is the current minimum wage. She said they have not had to change the Ordinance for the seasonal laborers since its inception because the percentage is based on minimum wage instead of a set dollar amount making it have a little bit of elasticity.

Mrs. Demaline advised she would love to see a range so that the Administration can exercise that judgement without Council having to legislate that and appropriate that change. She said she would prefer a range to move with and it can flux as needed such as finding a stellar employee and they believe they deserve a little bit more than the compensation Ordinance provides that they can make that decision.

Ms. Szlempa stated they have that flexibility within the Supervisor ranges, but this is more of the incoming 1st, 2nd, 3rd year seasonal employee with little to no experience and they are typically 15, 16, 17 year olds. She advised if they have a returning stellar employee, most of the time they would be moved into a Supervisory position where they have that flexibility.

7. [ORDINANCE NO. 17-22 – TO AMEND ORDINANCE NO. 121-19 ESTABLISHING COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED SEASONAL POOL TECHNICIAN FOR THE CITY](#) Ms. Szlempa

Ms. Szlempa advised this is similar to the previous legislation for the lifeguard position, but the percentage of increase for the seasonal pool technician is less. She said the Administration felt that since lifeguards are required to obtain certifications and that the lifeguards would have more responsibility with making sure people are safe that the lifeguards deserved a higher percentage of an increase. She said with the pool technician

position they believe they deserve an increase and that increase is 15% over minimum wage for year one. Ms. Szlempa advised these are considered starter jobs, but they do have responsibilities associated with the position that deserves something over minimum wage as does the cashier and recreational specialist positions below.

Mr. Fischer inquired as to what the duties are for the pool technician.

Ms. Szlempa advised they clean up the pool area and get it ready at the start of each day and they clean it after hours. She indicated they also ensure the waterlines are clear of debris and flowing properly and they clean up any contamination or debris that gets in or around the pool.

Mrs. Holtzmeier inquired if someone is in their second or third year with loyalty to the Avon pool for their summer role, but they decide to try another position within the seasonal City employment, does that year 2 or 3 bonus still apply such as going from a pool technician to a cashier position or vice versa.

Ms. Szlempa advised yes, that is what these incentives are meant for because they want to be able to have that movement where the employee would be equally paid in these positions based on their years of employment. She said they found that some seasonal employees would want to help out in other positions such as moving from recreation specialist to cashier, but these positions had different pay scales. Ms. Szlempa stated they would like to give these employees the opportunity to try other positions to see if it was a better fit without lowering their hourly wage. She explained if an employee was a pool technician year one and they moved to cashier at the pool for year two they would receive that plus \$1 because they had one year of experience.

8. [ORDINANCE NO. 18-22 – TO AMEND ORDINANCE NO. 29-21 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL CASHIER FOR THE CITY](#) Ms. Szlempa

Ms. Szlempa advised this change was explained in the above two agenda items and she would be happy to answer any other questions.

9. [ORDINANCE NO. 19-22 – TO AMEND ORDINANCE NO. 30-21 ESTABLISHING COMPENSATION FOR THE PART-TIME, UNCLASSIFIED SEASONAL RECREATION SPECIALIST FOR THE CITY](#) Ms. Szlempa

Ms. Szlempa advised she was available for any additional questions as explained in the previous three agenda items.

10. [ORDINANCE NO. 20-22 – AUTHORIZING AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION \(ODOT\) FOR THE PAVEMENT RESURFACING AND ASSOCIATED IMPROVEMENTS ALONG CERTAIN SECTIONS OF MOORE ROAD \(COUNTY ROAD 78\)](#) Mr. Cummins

Mr. Cummins advised this project has been before Council a few different times over the years and the design is now complete. He said the plans have been submitted to ODOT and this is the final piece of legislation to allow ODOT to come in and begin construction. Mr. Cummins stated it is approximately a \$540,000 project and the City's projected share of that would be just over \$100,000. He advised they are asking for Council's authorization to move forward with the project.

11. [RESOLUTION NO. R-2-22 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY JAMES A CONANT JR. AND KAREN A. CONANT TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 34390 DETROIT ROAD, PERMANENT PARCEL NO. 10-04-00-022-102-073, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 37.44 ACRES](#) Mr. Gasior

A Public Hearing will be held on Monday, February 14, 2022 at 7:20 p.m.

Mr. Gasior indicated these agricultural district designations are required to be renewed every five years on their property. He advised there are requirements of about five or ten acres of farmland in Chapter 900 of the Codified Ordinances. Mr. Gasior stated this gives the property owners a discount on their property taxes once they are qualified for the agricultural district. Mr. Gasior noted that the City approves these with modification only because it gives the City the ability to terminate it at will although he does not believe that the City has ever done that, but that is why the modification is in the legislation. He clarified that the City would probably only terminate if they were going to run a utility line or something of that nature and the City wanted to assess for that utility line.

Mr. Radcliffe inquired if this has any bearing for the application if the land is for sale or is then sold and how that would affect the process.

Mr. Gasior advised if the property is under an Agricultural designation and the property is sold, the seller has to recoup three years of taxes on that property at the regular tax rate and would not get the benefit of the agricultural district discount unless the buyer continues to use the land as agricultural.

Mr. Logan clarified that there is only recoupment if there is development, if they change the use then the County will recoup the property taxes back three years. He said if someone builds a house on a former agricultural designated property, the County will go back three years and tax the property at the residential tax rate. Mr. Logan said as to who bears that cost, he is not positive if it is the buyer or the seller.

Mr. Gasior advised it is usually the seller. He said there was discussion on one parcel of land that the City was considering buying and if the City buys land that is in an agricultural district designation, the City does not pay that, but the City can take on that responsibility as part of the negotiation on the purchase of the property. Mr. Gasior stated if the City takes on that responsibility they can relieve the seller of the burden of having to pay that. He advised it is clear that if the property is going to go into development, there is that recoupment issue, but he was not absolutely sure, but he would find out if the buyer is going to continue the agricultural district exemption whether there is a recoupment. It was noted the recoupment is three years on the value of the property without the agricultural district designation.

12. RESOLUTION NO. R-3-22 – TO APPROVE, WITH MODIFICATION THE RENEWAL APPLICATION MADE BY MARK W. LADEGAARD AND AMY LADEGAARD TO HAVE CERTAIN LAND OWNED BY THEM ON KINZEL ROAD, PERMANENT PARCEL NOS. 10-04-00-014-105-068 AND 10-04-00-014-105-051 DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 15.21 ACRES Mr. Gasior

A Public Hearing will be held on Monday, February 14, 2022 at 7:15 p.m.

There were comments or questions were asked.

- 12a. RESOLUTION NO. R-4-22 – IN SUPPORT OF SUBMISSION OF A SAFE ROUTES TO SCHOOL IMPLEMENTATION GRANT APPLICATION FOR THE NAGEL ROAD PEDESTRIAN IMPROVEMENT PROJECT Mr. Cummins

Mr. Cummins advised this is an attempt to reapply and Council may recall that the City applied for this project last year through the Safe Routes to School program and were unsuccessful in obtaining funding but thought they would try again. He said they updated the cost estimates, and they will be making another submission. Mr. Cummins stated the improvements were formulated during development of the City's Safe Routes to School Travel Plan so those were identified in advance and he feels it would be a very helpful project to improve safety along Nagel Road.

Mr. Fischer inquired as to the timeline for hearing if this grant will be awarded.

Mr. Cummins advised the grant is required to be submitted toward the end of February or the beginning of March. He said it was in May or June of last year when they heard that they were not awarded the grant so a few months after the application is submitted, they should be notified one way or the other.

Mrs. Demaline inquired if this is going to be the only submission that the City does this year for Safe Routes to School.

Mr. Cummins advised that is correct.

Mrs. Demaline advised she has strong concerns in Ward 1 with Moon Road and Detroit Road and getting access to the Middle School and to the High School. She asked if there had been conversations about those areas at all.

Mr. Cummins advised they had some conversations with the school district last year and they were not really interested in pursuing some of those types of projects. He said they looked at an intersection improvement at Long Road and Detroit Road and that was a substantial project once they got into it and the indication that he received was that it was a little too much to bite off. Mr. Cummins stated what is nice about this project is that it is several different recommendations that were in the plan but they put them together in a cohesive manner and it helps fix a corridor. He said that is not to say that they will not do other projects in other parts of town in the future, but they are trying to crack the nut of getting Safe Routes to School funding for Avon. Mr. Cummins advised because of the nature of the population and how the schools are set up, it has some headwinds. He said it involves the number of students that walk to school, the number of disadvantaged students etc. and they are trying their best to get through that and get a project and then know how to repeat that for across town.

13. REPORTS AND COMMENTS

MAYOR JENSEN was absent.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised she saw the email from Sheri Seroka regarding setting a time and date for the Cahoon House tour.

Ms. Fechter believed Ms. Seroka is first trying to find out when Council wanted to come for a tour. She said the historical home has been open to the public for a short time and the Fischer family has been in to see it and they love it. Ms. Fechter advised Ms. Seroka has spent so much time and effort putting the home together with period pieces and they are excited that it is finally ready and for Council to see it and something to be proud of for the community.

Mrs. Demaline advised she is looking forward to seeing it and she is in favor of Monday, April 4, 2022, early evening before the Council meeting later that night.

MRS. HOLTZMEIER, AT LARGE advised tonight's presentation from Lit Communities was interesting and she would ask that Council contemplate some of the thoughts that were discussed and in the following weeks come forth and share some of their perceptions and thoughts on if this is feasible to move ahead with that assessment. She said let's continue to discuss.

Mrs. Holtzmeier noted that she would be out of town on business on Monday, February 28, 2022 and unable to attend the Council Meeting that night.

MR. MCBRIDE, WARD 2 advised he would like to toot the Ward 2 horn as it was a Ward 2 resident who should be thanked for the Lit Communities presentation as Mr. Leimkuehler was the contact person and he has a business in Rocky River and would like to see the fiber/broadband discussion move forward and that is a good thing.

Mr. McBride inquired of Mr. Cummins if the swamp at UH has started to be dredged.

Mr. Cummins advised he has not been by that area in the past few days, but he is happy to make another call and find out the status.

Mr. McBride said a resident keeps asking about the street in that area as well.

Mr. Cummins advised the intersection and apron improvement are in design process.

Mr. McBride said he is listing his weekly complaint for the drive-thrus at Starbucks at City Centre and the Dunkin Donut on Nagel Road. He said they are blocking parking spaces and all kinds of issues.

Mr. McBride stated he still wants some additional signage on Norton Place.

Mr. Streator advised he would look into that, but there is a sign as you come off of Jaycox Road and since the speed limit does not change he does not know that they need to populate the tree lawns with signs.

Mr. McBride felt it was more for a few residents in Norton Place who need a constant reminder including parking in the cul-de-sac.

MR. MOORE, WARD 3 thanked the Service Department for changing a bulb in the streetlight on Kensington Drive.

MR. RADCLIFFE, WARD 4 advised regarding the condo/townhouses off Chester Road, he would like to have a discussion about the need for defining the number of entrances and exits for traffic flow through neighborhoods versus these long straight streets where there is only one in and one out for a very large neighborhood that might have quite a few residents but only have two entrances on the same road currently. He said these developments could have the possibility of connecting to other areas such as was discussed tonight regarding Grande Esplanade and Red Tail subdivisions and trying to see if they could have a discussion about that for the benefit of the residents. Mr. Radcliffe stated one of the things they keep hearing about is reducing traffic flow through neighborhoods and allowing people to get out and get moving and getting them out of the neighborhood and helping to define some of those ingresses and egresses. He felt it would be a good discussion point to have when they are looking so closely at how much development can come into Avon where they do not necessarily want to see it go.

Mr. McBride advised there is some resistance to developing in Concord Village for that long straight away and those people are organizing now to challenge it.

Mr. Radcliffe agreed and said it is one of the points that he would like to discuss.

Mr. Radcliffe said for the record he responded to Ms. Seroka for the tour of the Cahoon House and he too liked the Monday, April 4, 2022 date early evening.

MR. WITHERSPOON, AT LARGE advised Monday, April 4, 2022 was good for him for the Cahoon House tour.

MR. FISCHER, AT LARGE agreed Monday, April 4, 2022 works for him as well for the tour of the Cahoon House.

The rest of Council confirmed their availability for that date.

Mr. Fischer advised he would send Ms. Seroka an email confirming such.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

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

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR advised that tomorrow they are selling the bonds that they have been talking about for quite some time now. He said it is approximately \$9.3 million and includes the 92 properties that did not pay their special assessments upfront from the Elizabeth, Puth, Joseph Improvement Project. Mr. Logan noted that 15 property owners prepaid their assessment. He said there are a couple of note issues outstanding and they will call those notes back sometime in March and pay them off from the proceeds from this bond issue and the City will have no more short-term debt outstanding. Mr. Logan advised the upgrade in the City's credit rating discussed a couple of weeks ago probably resulted in about \$30,000 in interest savings on the bond issue, which is roughly 5 basis points.

MR. STREATOR, SAFETY/PUBLIC SERVICE DIRECTOR advised the City Service Department did an outstanding job on the last snowstorm. He said the snowfalls this season seem to be happening all at once and the crews put in long hours working and did an outstanding job.

AUDIENCE: There were no comments from the audience.

14. ADJOURN: 9:23 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