

<div>Page 1</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div><p style="text-align: center;">CITY OF AVON LAKE PLANNING COMMISSION</p><p style="text-align: center;">- - - - -</p><p style="text-align: center;">Meeting held at Avon Lake City Hall 150 Avon Belden Road, Avon Lake, Ohio Tuesday, June 6, 2023 7:00 p.m.</p><p style="text-align: center;">- - - - -</p><p>BOARD MEMBERS: Jennifer Fenderbosch Robert Haas Holly Ma Scott Orille Christine Raymond Mayor Gregory Zilka Ted Esborn Kelly LaRosa Chris Howard</p></div>	<div>Page 3</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div><p>MAYOR ZILKA: Good evening, everyone. I call this meeting of the Planning Commissions to order on June 6th. This is the regular meeting of that body.</p><p>Please call the roll.</p><p>MS. LAROSA: Ms. Fenderbosch.</p><p>MS. FENDERBOSCH: Here.</p><p>MS. LAROSA: Mr. Haas.</p><p>MR. HAAS: Here.</p><p>MS. LAROSA: Dr. Ma.</p><p>DR. MA: Here.</p><p>MS. LAROSA: Mr. Orille.</p><p>MR. ORILLE: Here. You got it.</p><p>MS. LAROSA: Mrs. Raymond.</p><p>MRS. RAYMOND: Here.</p><p>MS. LAROSA: Mayor Zilka.</p><p>MAYOR ZILKA: Here.</p><p>MS. LAROSA: Director of Law Ebert.</p><p>MR. EBERT: Here.</p><p>MS. LAROSA: Community Development Director Esborn.</p><p>MR. ESBORN: Here.</p><p>MS. LAROSA: Engineer Howard.</p><p>MR. HOWARD: Here.</p><p>MS. LAROSA: And Planning and Zoning Manager LaRosa, here.</p></div>
<div>Page 2</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div><p>APPEARANCE:</p><p>Gary Ebert, Director of Law Seeley, Savidge, Ebert & Gourash Co., LPA 26600 Detroit Road, Third Floor Westlake, Ohio 44145 216-535-4523 Gebert@sseg-law.com</p></div>	<div>Page 4</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div><p>MAYOR ZILKA: Thank you.</p><p>I believe everyone received a copy of the May 16th Minutes and the corrections to those Minutes if there were any. Those were handed to everybody out, distributed to everybody.</p><p>So are there any changes that need to be made in the Minutes of May 16th regular meeting minutes?</p><p>Yes, Jennifer?</p><p>MS. FENDERBOSCH: Yes. On page 7 and the small page 26, the third line down, it says "And today, comma, Mr. Gaydar said that," his name is spelled G-A-Y-D, as in David, A-R.</p><p>Thank you.</p><p>MAYOR ZILKA: Thank you. Are there any other corrections?</p><p>I see none.</p><p>I have a motion to approve the Minutes.</p><p>MR. HAAS: Move to approve.</p><p>MAYOR ZILKA: Do we have a second?</p><p>MR. ORILLE: Second.</p><p>MAYOR ZILKA: Call the roll, please.</p><p>MS. LAROSA: Mr. Haas.</p><p>MR. HAAS: Yes.</p><p>MS. LAROSA: Mr. Orille.</p><p>MR. ORILLE: Orille, yeah. Yes.</p></div>

<p>1 MS. LAROSA: Ms. Fenderbosch.</p> <p>2 MS. FENDERBOSCH: Yes.</p> <p>3 MS. LAROSA: Mayor Zilka.</p> <p>4 MAYOR ZILKA: Yes.</p> <p>5 MS. LAROSA: Dr. Ma.</p> <p>6 DR. MA: Yes.</p> <p>7 MS. LAROSA: Mrs. Raymond.</p> <p>8 MRS. RAYMOND: Yes.</p> <p>9 MS. LAROSA: Motion carried.</p> <p>10 MAYOR ZILKA: Motion carried.</p> <p>11 Now we have the approval of the first</p> <p>12 session of the Planning Commission for May 16th.</p> <p>13 Does anyone have any corrections to be made?</p> <p>14 I do have one on page 7. There are two</p> <p>15 references on that broad page. If I could find page 7</p> <p>16 here.</p> <p>17 Anyway, they refer to the Tops store, and it</p> <p>18 was listed as T-O-P, lower case, rather than Tops. And</p> <p>19 I can't remember if it was T-O-P-P-S, or T-O-P-S. I</p> <p>20 can't remember how they spelled it, but that needs to be</p> <p>21 corrected, to the reference to that supermarket that we</p> <p>22 had here.</p> <p>23 I don't see it here. I may have had it in</p> <p>24 the other packet that we approved.</p> <p>25 If there is no objection for the reference</p>	Page 5	<p>1 MAYOR ZILKA: Okay. Thank you.</p> <p>2 Now we go to swearing in.</p> <p>3 If anyone in the audience wishes or may want</p> <p>4 to speak, even if they are not sure, if you will you</p> <p>5 please stand and be sworn in.</p> <p>6 ALL SPEAKERS OF PUBLIC, of lawful ages,</p> <p>7 called for examination, as provided by the Ohio Rules of</p> <p>8 Civil Procedure, being by Law Director first duly sworn,</p> <p>9 said as follows:</p> <p>10 MR. EBERT: Please acknowledge that you took</p> <p>11 the oath when you come up to the podium, please.</p> <p>12 MAYOR ZILKA: And I reaffirm that. When you</p> <p>13 come up to speak, please give your name and address and</p> <p>14 mention that you have been sworn in.</p> <p>15 Can we go to the first case Ms. LaRosa. Can</p> <p>16 you please read the first case for the evening.</p> <p>17 MS. LAROSA: Yes. I'll be reading the</p> <p>18 project descriptions tonight. Case No. 009-23</p> <p>19 Telecommunications Infrastructure Development Company,</p> <p>20 TIDCO, Site Plan and Conditional Use Approval For a</p> <p>21 Second Cell Tower at 32867 Pin Oak Parkway.</p> <p>22 This is a public hearing on request on</p> <p>23 Telecommunications Infrastructure Development Company,</p> <p>24 352 Avon Belden Road, Avon Lake, for site plan and</p> <p>25 conditional use approval of a second cell tower at the</p>
<p>1 to Tops will be corrected in the two topics.</p> <p>2 Motion to approve the session minutes?</p> <p>3 MR. HAAS: Move to approve.</p> <p>4 MAYOR ZILKA: Is there a second?</p> <p>5 DR. MA: Second.</p> <p>6 MAYOR ZILKA: All in favor -- call the roll.</p> <p>7 Excuse me.</p> <p>8 MS. LAROSA: Mr. Haas.</p> <p>9 MR. HAAS: Yes.</p> <p>10 MS. LAROSA: Mr. Orille.</p> <p>11 MR. ORILLE: Yes.</p> <p>12 MS. LAROSA: Ms. Fenderbosch.</p> <p>13 MS. FENDERBOSCH: Yes.</p> <p>14 MS. LAROSA: Mayor Zilka.</p> <p>15 MAYOR ZILKA: Yes.</p> <p>16 MS. LAROSA: Dr. Ma.</p> <p>17 DR. MA: Yes.</p> <p>18 MS. LAROSA: Mrs. Raymond.</p> <p>19 MRS. RAYMOND: Yes.</p> <p>20 MS. LAROSA: Motion carried.</p> <p>21 MAYOR ZILKA: Thank you.</p> <p>22 Do we have a Councilor Report,</p> <p>23 Mrs. Fenderbosch.</p> <p>24 MR. FENDERBOSCH: No. We are up to date.</p> <p>25 Thank you.</p>	Page 6	<p>1 existing cell tower site at 32867 Pin Oak Parkway. This</p> <p>2 project is located on the south side of Pin Oak Parkway.</p> <p>3 This project is between Avon Belden Road and Moore Road,</p> <p>4 in an I-1 Light Industrial District.</p> <p>5 The necessity of this request comes about</p> <p>6 because the equipment updates and improvements required</p> <p>7 by the U.S. Coast Guard that cannot be accommodated by</p> <p>8 the existing cell tower. The U.S. Coast Guard now has</p> <p>9 reached the transmitters to the cell tower to render aid</p> <p>10 to distressed persons, vessels, and aircrafts and to</p> <p>11 prevent violation of the laws of the United States.</p> <p>12 MAYOR ZILKA: That's pretty much redundant,</p> <p>13 Ted, as well, do we need to read this as well, Ted?</p> <p>14 MR. ESBORN: No.</p> <p>15 MAYOR ZILKA: Okay. Very good. Moving</p> <p>16 along here. There's my agenda. Okay.</p> <p>17 Who is representing this case this evening?</p> <p>18 Again, give your name and address and tell us if you</p> <p>19 have been sworn in.</p> <p>20 MR. STEWART: Vic Stewart, Bramhall</p> <p>21 Engineering and Surveying Company, 801 Moore Road, Avon,</p> <p>22 Ohio. I do acknowledge and accepted the oath. I'm</p> <p>23 along here with Joe Scarpelli, of Telecommunications</p> <p>24 Infrastructure, the company that's here.</p> <p>25 We were asked to -- tasked to prepare a site</p>

<p>1 plan. And he is here for conditional use as well as for 2 a second tower at the site, as described by Ms. LaRosa. 3 We were made the improvement plans and they 4 were submitted by all department heads. And there were 5 response to comments that we have addressed. And I'm 6 here to answer any questions in regards to that, as far 7 as site improvements. 8 And I'll refer to Mr. Scarpelli with 9 reference to the second cell tower. 10 MAYOR ZILKA: Mr. Scarpelli, would you like 11 to speak? 12 Mr. SCARPELLI: Joe Scarpelli, 352 Avon 13 Belden Road. I'm with TIDCO. And this is our facility 14 on Pin Oak Parkway there. 15 The -- 16 MAYOR ZILKA: Have you been sworn in, Joe? 17 MR. SCARPELLI: I was sworn in. And I 18 accept that. 19 What I'm doing here is providing additional 20 structural capacity for the existing customer that I 21 have. And the fact that I'm able to fit this within the 22 same compound, it's a way to prevent me from having to 23 do a new Chupa NEPA study, which took an extensive, a 24 lot of time, almost two years to get through the whole 25 process.</p>	Page 9	<p>1 which was adopted or became effective at the beginning 2 of last year, there was a focus on, you know, wireless 3 telecommunications facilities, and making sure that they 4 were both safe and necessary. 5 You know, this is a conditional use that 6 also has, you know, somewhere between five and ten code 7 pages of regulation to follow. Mr. Scarpelli spent a 8 good amount of last fall sort of working through those 9 regulations, which were the sort of demonstration of 10 need that you have in your packets there. 11 The City or per that section, you know, 12 engaged a structural engineer who reviewed the statement 13 of need. And so a lot went into the application sort of 14 in that first phase of that. And we were able to do 15 that. And so we were able to do this portion of it this 16 year. 17 MAYOR ZILKA: Very good. Now we will begin 18 with questioning on the panel. 19 First we have Mr. Haas. You are first. 20 Would you like to ask any questions, sir? 21 MR. HAAS: Thank you, Mayor. 22 First, let me begin with just, an aesthetics 23 issue. So you -- this will be next to the existing cell 24 tower. 25 What's your impression of the general look</p>	Page 11
<p>1 And in that approval, it clearly states that 2 they understand there's going to be improvements to the 3 system. There's going to be growth. And that as long 4 as it can be fitted within, the area that was determined 5 by the locality, it doesn't have to go through another 6 environmental study because it's in the same location. 7 And I truly believe it's fitting with the 8 purpose and intent of the telecommunication code to 9 limit number -- not only numbers of towers, but 10 locations of towers. By having an identical tower in 11 the same location, it allows me to build it strong 12 enough to handle the capacity of what's on there, as 13 well as the future improvements, so... 14 So any questions? 15 MAYOR ZILKA: Well, before we proceed, is 16 there any engineering commentary before we begin? 17 Mr. Howard, do you have any comments on this 18 particular case? 19 MR. HOWARD: I do not. I could not review 20 this because I was sick. 21 MAYOR ZILKA: Okay. I appreciate you 22 bringing that up. 23 Mr. Esborn? 24 MR. ESBORN: I wanted to make one comment. 25 When the City created its new planning and zoning code,</p>	Page 10	<p>1 of your current cell tower, in terms of landscaping 2 aesthetics? 3 MR. SCARPELLI: Right now, it's looks a 4 little messed up. 5 MR. HAAS: Yeah, it does. 6 MR. SCARPELLI: Because I had started the 7 project prematurely and had to comply with some 8 additional requirements. But as Ted mentioned, there 9 was kind of an overhaul of your code system. 10 Prior to this, there were two times they did 11 some adjustments to the telecommunication code. And I 12 was always notified by Joe Wrights, our Engineer rep, 13 and Wayne Mertz in the beginning, to let me know because 14 I was the only business in town that was performing in 15 this industry other than the City. 16 So I was a little surprised I didn't get a 17 notification with the whole overhaul of the code. But 18 there was a lot going on with COVID and emergency powers 19 and things like that. 20 So I'm really pleased to see, most recently, 21 the Supreme Court ruled, 9 to 0, about that new 22 watershed policies, that stopped a lot of people doing a 23 lot of projects, you know? 24 But that's why it has sat the way it has 25 right now. Keeping the grass cut. But I would like to</p>	Page 12

<p>1 get back to finishing it up and making it look good.</p> <p>2 MR. HAAS: Obviously, with this kind of</p> <p>3 plan, there's no landscape plan required or submitted.</p> <p>4 But would you commit to repairing the landscaping? I</p> <p>5 mean, the hedges are in terrible shape and dying. And</p> <p>6 the mounding needs to be done. So would you commit to</p> <p>7 an overall landscaping improvement for the neighbors?</p> <p>8 MR. SCARPELLI: Can I put, like, salt lick</p> <p>9 down there, because the deer love to eat those trees?</p> <p>10 That's why they're all --</p> <p>11 MR. HAAS: That would violate the ordinance.</p> <p>12 MR. SCARPELLI: Okay. But no, I do plan on</p> <p>13 replacing and adding a few more of those bushes once we</p> <p>14 get finished with the construction part there.</p> <p>15 MR. HAAS: For the new entryway, you are</p> <p>16 required to have a concrete pad coming off the street.</p> <p>17 And the existing one is just asphalt?</p> <p>18 MR. SCARPELLI: Correct.</p> <p>19 MR. HAAS: Is that going to be changed. I</p> <p>20 know you probably are not required to do that.</p> <p>21 MR. SCARPELLI: No. But for aesthetics,</p> <p>22 that is something I'm considering, is actually making</p> <p>23 the other service entrance the same, as far as the</p> <p>24 entrance itself being concrete. And then, even with the</p> <p>25 one we are proposing, it would be after the sidewalk, it</p>	<p>Page 13</p> <p>1 done to the tower to handle the new equipment.</p> <p>2 And with the amount of stuff they're talking</p> <p>3 about coming down the pipe, it's actually cost effective</p> <p>4 to start off with a little bit bigger tower and</p> <p>5 stronger, so that, ideally, that existing tower may go</p> <p>6 away. None of the systems that are up there can be shut</p> <p>7 down and replaced. They have to continue operating.</p> <p>8 And a second system get installed and operating before</p> <p>9 it can be shut down.</p> <p>10 Because of the dealing with Homeland</p> <p>11 Security, and the other two tenants I have are in the</p> <p>12 financial markets, they can't shut the equipment down.</p> <p>13 There's only specific times that they can. So I'm just</p> <p>14 explaining why this having to build a second one is</p> <p>15 needed right now.</p> <p>16 I mean, I tried to anticipate all of the</p> <p>17 future growth back in 2001/2002, when I was starting</p> <p>18 this project. But it is growing exponentially.</p> <p>19 MR. HAAS: So with the cellphone technology</p> <p>20 towers, the big towers, some of those, according to</p> <p>21 literature, are going away. But from a technology</p> <p>22 perspective, what's the lifespan for these towers? Do</p> <p>23 you have any idea? Is that --</p> <p>24 MR. SCARPELLI: 50 years. 50 years. Most</p> <p>25 of the commitments federal government, the maximum they</p>
<p>Page 14</p> <p>1 would be blacktop back into the area. But where it cuts</p> <p>2 in at the road, they want concrete now.</p> <p>3 MR. HAAS: Because of the Coast Guard's</p> <p>4 involvement, is there any additional security? I assume</p> <p>5 the fencing will be the same that you are having around</p> <p>6 the other tower?</p> <p>7 And have you had any incidents of either</p> <p>8 vandalism or kids trying to get in there, or anything of</p> <p>9 that nature of the existing tower?</p> <p>10 MR. SCARPELLI: No. We've been very</p> <p>11 fortunate. We keep a real close eye on it. We have</p> <p>12 service done at the site at least every month by the</p> <p>13 contractor handling things for the Coast Guard. There's</p> <p>14 also yearly monitoring events, where they bring a</p> <p>15 vehicle out to make sure, this goes into the RF</p> <p>16 frequencies, what's there, is anybody exceeding any of</p> <p>17 their tolerances, as far as power outputs, and if</p> <p>18 there's any issues for figuring out any types of</p> <p>19 interference issues that may come up.</p> <p>20 Part of the reason that the second tower is</p> <p>21 so needed, I've had to strengthen the existing tower,</p> <p>22 actually almost four times now. Every time a -- they</p> <p>23 add more loading up in that higher section where they</p> <p>24 are needed, it has a great impact on the structure. And</p> <p>25 we have to calculate what enhancements would have to be</p>	<p>Page 15</p> <p>1 can go is 20. Some of the others are taking 30 and 35</p> <p>2 years commitments.</p> <p>3 MR. HAAS: I have no further questions.</p> <p>4 MAYOR ZILKA: Thank you. Mr. Orille?</p> <p>5 MR. ORILLE: So what will the height of the</p> <p>6 tower be?</p> <p>7 MR. SCARPELLI: 300 foot. That was the</p> <p>8 original approval we got from the City.</p> <p>9 MR. ORILLE: Okay. And will there be</p> <p>10 capacity on the tower for tenants other than the Coast</p> <p>11 Guard?</p> <p>12 MR. SCARPELLI: Absolutely.</p> <p>13 MR. ORILLE: Okay.</p> <p>14 Ted, I'm -- is this case being decided under</p> <p>15 the old code or the new code?</p> <p>16 I'm curious for setback reasons. Because I</p> <p>17 think the set-back requirements have changed from the</p> <p>18 old code to the new code.</p> <p>19 MR. SCARPELLI: We did get a variance on the</p> <p>20 setback for -- the only property that it was affected</p> <p>21 with was on the south side of the property.</p> <p>22 MR. ORILLE: Did the setback reduce it to 30</p> <p>23 feet? I thought I saw that it was reduced to 30 feet?</p> <p>24 MR. SCARPELLI: Or it I believe it reduced</p> <p>25 it by 30 feet.</p>

<p>Page 17</p> <p>1 MR. ORILLE: Was it reduced from 50 feet to 2 30 feet?</p> <p>3 MR. SCARPELLI: Oh, yeah. Yes.</p> <p>4 However, the new owners of that property 5 have reached out to my legal. And they are interested 6 in working with me about getting some additional 7 property behind the site, which would then eliminate 8 that. But we did get a variance from the people that 9 owned it before it became a church.</p> <p>10 MAYOR ZILKA: Mr. Esborn, do you have a 11 comment?</p> <p>12 MR. ESBORN: So to Mr. Orille's question 13 about old code, I think what's -- what we're looking -- 14 what we look at here, in processing it under the new 15 code, is that the application for conditional use and 16 site plan approval came in this year. So that's, you 17 know, we're, you know, that's totally under the new 18 code.</p> <p>19 The variance, I know that Mr. Scarpelli 20 requested, as he's able to do under the code, a one-year 21 extension, I think at the end of last July. So you do 22 have there a variance that was granted in '21, that we 23 then granted an extension in '22, into late July of '23.</p> <p>24 I still think we're okay sort of evaluating 25 the, you know, conditional use and the site plan under</p>	<p>Page 19</p> <p>1 MR. ORILLE: I just want to make sure we are 2 dotting our Is for the set-back requirements.</p> <p>3 MR. ESBORN: Yeah. So Law Director Ebert, I 4 think, in my mind, you know, there was a variance that 5 was granted, and then it was given an extension.</p> <p>6 So I guess, initially, I wouldn't think that 7 the change in code would interrupt that.</p> <p>8 MR. EBERT: It shouldn't because the statute 9 was granted. It's done, as far as the setback is 10 concerned. The extension would've continued at that 11 point in time.</p> <p>12 MR. ORILLE: Okay.</p> <p>13 MAYOR ZILKA: If I could, I believe, their 14 first tower is 500 feet, or much taller; is it not?</p> <p>15 MR. SCARPELLI: Oh, no, no. The first tower 16 that's there, we approved it at 300.</p> <p>17 MAYOR ZILKA: Oh, 300.</p> <p>18 MR. SCARPELLI: I knew that the directional 19 finder that the Coast Guard was putting at the top of 20 the structure was 15 foot. I ordered the structure to 21 280. At the time I was definitely afraid of exceeding 22 the height that I was granted after all that investment 23 I put in to getting the grant.</p> <p>24 However, in this industry with a structure 25 that would have been approved at 300, you could</p>
<p>Page 18</p> <p>1 the new code. And I think as far as the variance, I 2 think it's been granted and we've just extend the period 3 of time in which he can build with it.</p> <p>4 MR. STEWART: Right. Right. Which your 5 ordinance -- your variance was granted as number the 6 21-034, which is on sheet 3 of 9 on your packet. And it 7 breaks down everything you are speaking to with 8 reference to those conditions.</p> <p>9 MR. ORILLE: The reason I ask is, I think 10 the set-back requirement is 75 feet under the old code 11 and it's 150 feet under the new one. And I guess I just 12 want to make sure that the variance that was granted 13 would still be effective if it was granted under the old 14 code, as we're determining the case under the new code.</p> <p>15 MAYOR ZILKA: Ted?</p> <p>16 MR. ESBORN: So I would ask Law Director 17 Ebert that. So.</p> <p>18 The situation is that it was a -- under the 19 old code you said it was originally 75?</p> <p>20 MR. ORILLE: I think it was 25 percent of 21 the height of the tower.</p> <p>22 MR. ESBORN: Okay.</p> <p>23 MR. ORILLE: Versus 50 percent of the tower 24 under the new code. And I want to vote to approve this.</p> <p>25 MR. ESBORN: Right.</p>	<p>Page 20</p> <p>1 actually, within 20 feet horizontally, vertically, you 2 can add that. They give that for the attachments for 3 the antennas and things.</p> <p>4 So in this case, I ordered the structure to 5 be a 300 foot structure. So when you look at the two of 6 them, it will look like one is slightly higher, but the 7 other has antennas on top of it. So neither one will 8 actually exceed the 300 foot.</p> <p>9 MAYOR ZILKA: Mr. Orille, I interrupted your 10 time. Do you wish to proceed?</p> <p>11 MR. ORILLE: I think that answers my 12 questions. And I appreciate it. No further questions.</p> <p>13 MAYOR ZILKA: Thank you. Mr. Fenderbosch.</p> <p>14 MS. FENDERBOSCH: Thank you. I have an 15 internal question I want to ask first before I ask it of 16 the applicant.</p> <p>17 Mr. Esborn, we have with us the SWPPP review 18 comments on this form, which I have in front of me.</p> <p>19 MR. ESBORN: Right.</p> <p>20 MS. FENDERBOSCH: Okay. And we have been 21 trained to look at these and to have resolution before 22 it comes to us.</p> <p>23 But as I'm looking at them, page 1 through 24 4, I do see areas where it says "need."</p> <p>25 Yet, when I looked at the plans that the</p>

<p>1 applicant provided from Bramhall, I saw that most of 2 those were already met.</p> <p>3 Are we going to, in the future, mark them 4 when they have been fulfilled? Because I know we had a 5 change of engineers internally, and this might have been 6 caught up with that. And I just want to make sure that, 7 internally, we've done what we need to do for due 8 diligence.</p> <p>9 MAYOR ZILKA: Mr. Esborn.</p> <p>10 MR. ESBORN: Thank you. And, you know, if 11 Ms. LaRosa wants to add anything to this. But seeing 12 the date on the SWPPP comments in April, you know, I 13 think what we've done here is included those within the 14 last round of review before the final plans on the 15 project. So I think that explains why there are some 16 items marked as "need," that are sort of resolved or 17 met.</p> <p>18 Is that -- do you want to --</p> <p>19 MR. STEWART: Yeah. So in looking -- I 20 don't have those comments in front of me as well. But I 21 think when those were submitted, we had just those 22 comments reflective of these sets of plans.</p> <p>23 So I think this is what it is now, just 24 updating however the City wants to move forward with.</p> <p>25 MS. FENDERBOSCH: So if I could have an</p>	<p>Page 21</p> <p>1 on is the block chain. So that is the 5G network. Now 2 it's getting piecemeal put together.</p> <p>3 The overall network, some people talk about, 4 "okay, we're not going to have towers," because at one 5 time, they said, "well, they are going to go to 6 satellite."</p> <p>7 Like, with Elon Musk, it's tremendous what 8 he's been able to do. But by getting all of these 9 satellites up there, they can hit anywhere on the globe, 10 but it's a low latency system.</p> <p>11 Now low latency system means, you can make a 12 connection, for, like, safety scenarios, trying to find 13 out where someone is at, GPS, that's great. But to have 14 streaming devices, devices that are not -- streaming 15 with data, with music, with games that kids are playing, 16 having devices on vehicles that need to be connected to 17 the grid for life-and-death situations, to be able to 18 activate the brakes and things, they need a high latency 19 system for that.</p> <p>20 What the network is down low is filling in 21 and building in the latency that we all have for all of 22 our devices.</p> <p>23 Ideally, I'm sure people have heard, you 24 would be, for security, fiber optics is the best. But 25 you can't connect the fiber to all of the different</p> <p>Page 23</p>
<p>1 internal conversation.</p> <p>2 If in the future, there are months when we 3 are presented with this, if we could have our sheet 4 updated, so that the commissioners understand that those 5 needs have been met, that would be very helpful.</p> <p>6 Now I have some comments for the applicant.</p> <p>7 MR. SCARPELLI: Okay.</p> <p>8 MS. FENDERBOSCH: So I was happy to see the 9 letter stating the need. And it was done by Christopher 10 Huhnke, PE, SI, and GISP. And they very clearly stated 11 the need as the code requires. And as my colleague has 12 requested, he is asked if there is going to be other sub 13 letters on the -- other tenants on the tower.</p> <p>14 Are they all going to be from the Coast 15 Guard or related industries, or is it open for others to 16 place their communication devices there?</p> <p>17 MR. SCARPELLI: My plan from day one was to 18 build a universal site that could accommodate any 19 communication companies.</p> <p>20 MS. FENDERBOSCH: This is 5G?</p> <p>21 MR. SCARPELLI: Yes. The actual -- there's 22 -- as far as getting into the technical side of actually 23 what type of equipment is up there, I can't really do 24 that because there are NDAs that I have with -- however, 25 the platform that the financial companies are operating</p> <p>Page 22</p>	<p>1 devices that people use. So you have to have a 2 connectivity to get it into the fiber network. So as 3 far as -- yes.</p> <p>4 I would like to accommodate other providers. 5 At this point, I have three providers. They are all 6 operating over the 200-foot level, which is highly 7 regulated by the FCC. And they need more stuff up 8 there. And I'm trying to accommodate them.</p> <p>9 However, they are what is going to 10 eventually be the backbone to the 5G networks. A lot of 11 the companies are coming out saying, "we are 5G ready." 12 They can simulate some of the 5G features on 13 the 4G, or even a 3G network. But they are not going to 14 get all of the bells and whistles and it's not going to 15 work all the time until the migration of the network can 16 handle traffic.</p> <p>17 MS. FENDERBOSCH: If I could continue, 18 Chariman?</p> <p>19 MAYOR ZILKA: Certainly.</p> <p>20 MS. FENDERBOSCH: Thank you.</p> <p>21 One of the engineering corps said you are 22 over 1.1 or 1.3 percent capacity. And that that tower 23 has the strength to hold up to 1.5 percent, you're 24 existing one. But because of what you need, it's going 25 to be way beyond that.</p> <p>Page 24</p>

<p>Page 25</p> <p>1 MR. SCARPELLI: Right.</p> <p>2 MS. FENDERBOSCH: And so now you have the</p> <p>3 new tower.</p> <p>4 And I felt it was good for the City to be</p> <p>5 able to understand the present capacity and not only the</p> <p>6 new capacity but the present capacity. Because you are</p> <p>7 going to have two towers on that property.</p> <p>8 And god forbid, a tornado comes and one hits</p> <p>9 the other one, I think, this is why my colleague to the</p> <p>10 left talked about the fall space.</p> <p>11 And the year that they gave that to you was</p> <p>12 a different year than you knew what height it was going</p> <p>13 to be.</p> <p>14 And so that was the reason, I believe, for</p> <p>15 your questions; is that correct, Mr. Orille?</p> <p>16 MR. ORILLE: Right. Right.</p> <p>17 MS. FENDERBOSCH: All right. I'm going to</p> <p>18 move on to storm water, if I could.</p> <p>19 So you are going to be draining into the</p> <p>20 common basin, then; is that right?</p> <p>21 MR. SCARPELLI: Ditch.</p> <p>22 MS. FENDERBOSCH: Is that correct? Is that</p> <p>23 right to the main basin? The industrial --</p> <p>24 MR. STEWART: So right now what's going to</p> <p>25 end up happening is all the drainage is -- a proposed,</p>	<p>Page 27</p> <p>1 MS. FENDERBOSCH: So there may be some other</p> <p>2 options. And once the City -- soon will be having an</p> <p>3 urban forester. Because you won't be finished building</p> <p>4 that until August.</p> <p>5 You may want to work with your forester for</p> <p>6 some other options that you will be happy. That you</p> <p>7 will be investing, instead of multiple times to keep</p> <p>8 alive, you may be investing once or twice.</p> <p>9 I have no further questions.</p> <p>10 Thank you.</p> <p>11 MAYOR ZILKA: Thank you. Mr. Scarpelli,</p> <p>12 dealing with the 102 percent capacity, I'm looking at</p> <p>13 the letter from attorney J. Marcy to Law Director Gary</p> <p>14 Ebert. He talks about capacity. And I was confused as</p> <p>15 to what that meant.</p> <p>16 Is it referring to the weight of the</p> <p>17 structures or is it the ability to do what it does</p> <p>18 with --</p> <p>19 MR. SCARPELLI: Electronically. No.</p> <p>20 MAYOR ZILKA: Electronically?</p> <p>21 MR. SCARPELLI: No. It's not talking about</p> <p>22 the capacity of the frequency or the power output of the</p> <p>23 electronics that are there.</p> <p>24 When they -- the biggest thing is, like when</p> <p>25 Mr. --</p>
<p>Page 26</p> <p>1 24-inch pipe is going to coming in from the south and</p> <p>2 have capacity of dumping into the existing storm sewer</p> <p>3 as along Pin Oak Parkway.</p> <p>4 MS. FENDERBOSCH: And that's on page 5 of 9</p> <p>5 sheets; is that correct?</p> <p>6 MR. STEWART: Actually, it's on page 3 of 9.</p> <p>7 MS. FENDERBOSCH: Because your outline is on</p> <p>8 page 5 of your documentations.</p> <p>9 MR. STEWART: Can you repeat that?</p> <p>10 MS. FENDERBOSCH: On the top of page five 5,</p> <p>11 in your notes, you're outlining your details.</p> <p>12 MR. STEWART: Right.</p> <p>13 MS. FENDERBOSCH: And have the de-watering</p> <p>14 down there.</p> <p>15 The fence, once you're done with</p> <p>16 construction, it will all be 8 foot; is that correct.</p> <p>17 MR. SCARPELLI: Um-hmm.</p> <p>18 MS. FENDERBOSCH: And that's per code, it's</p> <p>19 higher than the residential?</p> <p>20 MR. SCARPELLI: Um-hmm.</p> <p>21 MS. FENDERBOSCH: Now last but not least,</p> <p>22 you are talking to a gardener. And I see that you are</p> <p>23 providing an air, which is sugar for deer.</p> <p>24 MR. SCARPELLI: Right. That's what I -- I</p> <p>25 wish I would have known that before I put that.</p>	<p>Page 28</p> <p>1 MR. ORILLE: Orille.</p> <p>2 MR. SCARPELLI: -- Orille asked.</p> <p>3 I don't want anything falling off of this</p> <p>4 thing. And the safety issues around there. And the</p> <p>5 design of these things are also not designed to fall</p> <p>6 over. They actually kind of collapse onto themselves,</p> <p>7 if it was ever exceeded.</p> <p>8 But the capacity, they have to take into</p> <p>9 consideration geographical areas, wind elevations,</p> <p>10 uplift. When we get into wintertime, how much ice, with</p> <p>11 the certain amount of ice, how strong can the winds get.</p> <p>12 It's not just the weight of the stuff that's</p> <p>13 up there it's also that some of those antennas have a</p> <p>14 configuration where it's almost like a sail in the wind.</p> <p>15 So that's going to put twist on the tower and things.</p> <p>16 It's a very in-depth -- now it's wonderful that we have</p> <p>17 the computers that we have. But at a certain times,</p> <p>18 it's a heck of a lot of calculations that go into it.</p> <p>19 And I'm not allowed to exceed 105 percent.</p> <p>20 And I'm up to, like, 102 and a half, or something like</p> <p>21 that now, so...</p> <p>22 MAYOR ZILKA: It was interesting you made</p> <p>23 reference to investments and the power plant and the</p> <p>24 cell tower, I mean the smoke stack. We were told a</p> <p>25 couple times that there's communications between Chicago</p>

<p>1 and the New York Stock Exchange and it goes through that 2 tower. 3 So you are sharing some of that burden, as 4 well. 5 MR. SCARPELLI: Exactly. 6 MAYOR ZILKA: And it's almost a direct line 7 now? 8 MR. SCARPELLI: Right. And I had part of 9 the swift system up there. Which is, it's kind of the 10 old existing transfer of money, okay? 11 But there's all kind of stuff that's way 12 above my pay grade that has to be decided with all those 13 things. But right now, I'm just making sure they have a 14 secure site to be able to provide their service. 15 But I think -- I would, Ms. Fenderbosch, I 16 would be more than happy to entertain any other 17 provider's needs if it can be in a conjunction with a 18 city provider that needs space, I would like to be able 19 to help out any way I can. 20 MS. FENDERBOSCH: Thank you. 21 MR. SCARPELLI: So that everybody has 22 choices and can pick the kind of provider that they 23 want. 24 MAYOR ZILKA: One other thing with regards 25 to the landscaping. I have not been out to the site.</p>	<p>Page 29</p> <p>1 MR. SCARPELLI: The one that's right along 2 Pin Oak is right by a little ditch that I have there. 3 And it's just a short section. That's only a 6-foot 4 high fence. 5 The 8-foot high fences, I'm going -- they're 6 going to be back at the tower site. 7 I don't believe I'm looking at putting an 8 8-foot fence along the -- I'll use this. 9 MS. FENDERBOSCH: You can zoom in. 10 MAYOR ZILKA: You can zoom in on the screen 11 there. 12 MR. SCARPELLI: The little fence you are 13 talking about is right here, okay, out by the sidewalk. 14 MS. FENDERBOSCH: No. Just the zoom. 15 - - - - 16 (Off-the-record discussion was held.) 17 - - - - 18 MR. SCARPELLI: So the new fencing is the 19 8-foot fencing, is back here, around the compound, okay? 20 This larger line, this is just showing property lines 21 and the setbacks. 22 The fencing you are talking about, I 23 believe, is right by the sidewalk here. And it's just a 24 short section of fencing there. That's going to stay. 25 But that's where we're making the attachment into the</p> <p>Page 31</p>
<p>1 But is there a possibility that you could put 2 landscaping within the fencing and then the deer would 3 not have the ability to consume them? Is that too 4 compact in order to the accomplish that? 5 MR. SCARPELLI: I can take a look at it. 6 One of the other things that I'm 7 contemplating. And I know there's going to be cost into 8 it. But I have seen some I sites where, instead of just 9 the chain -- they have chain link and the barbwire, but 10 they are coating it with, like, a privacy-type fence, 11 too. I think that looks nice and it blocks people from 12 seeing what's in the facility too there. 13 But inside, the problem I'd see with that is 14 because of the plants have having a root system. And 15 I'm trying to keep the growth out of the inside. 16 MAYOR ZILKA: I understand. Thank you. 17 Dr. Ma, do you have anything? 18 DR. MA: You all were so very thorough and 19 they answered most of my questions. But I will go back 20 to chain-link fence, just to make sure I'm clear. I'm 21 looking at these. 22 It looks like you have one that is closer 23 alongside Pin Oak Parkway, and you plan on removing that 24 and then having it just back around the gravel and the 25 towers; is that correct? Am I --</p> <p>Page 30</p>	<p>1 storm sewer at that point. 2 DR. MA: Okay. Thank you for clarifying 3 this. I appreciate that. 4 And the only other question I have is 5 getting back to Mr. Haas's questions about the security 6 piece and you're not really having anything. 7 Is there any kind of standard of having 8 cameras up or anything? Do you have that? 9 MR. SCARPELLI: Absolutely. They are 10 working on standardizing the sites now. But cyber 11 security and hardening -- what they call hardening of 12 these sites, is number one on their priority right now. 13 So part of in this project of increasing 14 some capacity, I will also be having a surveillance 15 system being put in. 16 They're talking about -- right now, we can 17 do it with what we call daisy chaining the locks, so 18 when multiple people need to get into the facility, they 19 have a key for their lock. But they may be requiring us 20 to go to a keycard type access to the gates eventually. 21 I have not received those orders yet. 22 But for right now, yes, I will be getting -- 23 TIDCO will have a surveillance system for themselves, 24 which they don't right now, so... 25 DR. MA: Final question is, what kind of</p> <p>Page 32</p>

<p>1 safety requirements do you have, maybe having to add 2 things, repair things? I don't know what that looks 3 like. 4 MR. SCARPELLI: Yes. We have -- there's 5 OSHA standards, as well as national standards. We have 6 a 100 percent tie-off policy at our tower. 7 That means any other climbers, they have to 8 do it in a way that every move they make, they are 9 reconnecting a tie. So there's never a time that they 10 are not tied off. 11 Okay. I do keep close look at every 12 contractor that I have there. I have been very 13 fortunate to have good contractors. But I have had a 14 couple that I've had to tell them they were not able to 15 work at my site. And I had to get the provider to get 16 someone else out there that had the proper safety 17 devices. And this -- this had to do with a wench that 18 they were using that didn't have a safety arm on it. 19 But we have pre-inclined meetings to make 20 sure everybody has the proper attire that is going up. 21 And the game plan is talked about so that there's not 22 miscommunication between guys when they are doing that 23 type of work. 24 Everybody needs to go home at the end of the 25 day, and hopefully made a little bit of money, but go</p>	<p>Page 33</p>	<p>1 be up any further because of the existing tower that's 2 there, it basically put the tower back about 40 feet. 3 And that's where it's reducing it to probably closer to 4 17 percent, or something like that, instead of 25 5 percent. 6 MS. FENDERBOSCH: Chairman, the reason why I 7 ask the question, is that according to our New Planning 8 and Zoning Code 1216.06J, it looks like number 8, 9 Standards Applicable to Wireless Telecommunications 10 Tower, D, as in David, I'm going to just read it. 11 Because I believe the Commission needs to make a 12 decision. 13 "The maximum height of a tower shall be 200 14 feet, unless the technical logical reason for locating a 15 higher tower is demonstrated to the satisfaction of the 16 Planning Commission and Council to be in order on a case 17 by case basis by the wireless telecommunications service 18 provider making the request." 19 And then says, "When a higher tower is 20 required by provision of law, consistent with 21 telecommunications ads of 1996, as made from time to 22 time be amended, the provider shall submit written 23 verification of such fact. Towers less than 200 feet 24 and higher are especially encouraged." 25 So I think that we need to have some</p>	<p>Page 35</p>
<p>1 home safe, you know. 2 DR. MA: Thank you. No other questions. 3 MAYOR ZILKA: Mrs. Raymond. 4 MS. RAYMOND: I have no questions. Thank 5 you. 6 MAYOR ZILKA: Thank you. 7 Mrs. Fenderbosch. 8 MS. FENDERBOSCH: I do have a couple of more 9 questions and they are technical questions. And I don't 10 know if they are going to be answered by the staff 11 within the City, in combination with the application. 12 So was the variance based on a 200-foot 13 tower? 14 Because your tower is going to be how many 15 feet? 16 MR. SCARPELLI: 300 foot. 17 MS. FENDERBOSCH: Was the variance based on 18 a 200-foot tower, Mr. Esborn? 19 MR. ESBORN: I don't know specifically. I 20 guess I would have to ask the applicant. I mean, the 21 variance was requested in 2021. 22 MR. SCARPELLI: And it requires 25 percent 23 of the height of the tower. So 300 for 25 percent, is 24 75, okay? 25 And then we were -- because I wasn't able to</p>	<p>Page 34</p>	<p>1 verification. And perhaps we have it, but it needs to 2 be pointed out to us. 3 MAYOR ZILKA: Mr. Esborn. 4 Or, Joe, do you want to go? 5 MR. SCARPELLI: Yeah, do you mind if I 6 explain? 7 That is giving the argument of, is this 8 typically needed, okay? 9 MS. FENDERBOSCH: That's -- excuse me, sir. 10 That's in another location. This has only 11 to do with height of the tower. 12 MR. SCARPELLI: Right. For the height of 13 the tower. 14 In other words, your jurisdiction, you can 15 handle regulating the towers in your town. You can't 16 deny a provider from giving the citizens the service. 17 But you can say, I want your towers to be in this area 18 or this area. And it limited to 200 feet. Because of 19 the highly regulatory nature of the over-200-foot 20 providers, okay? 21 We went through that entire process to get 22 it established to have the site at 300 foot, where it 23 is. So how could there be any stronger argument that it 24 is definitely needed there, that we have three customers 25 that are up there now?</p>	<p>Page 36</p>

<p>Page 37</p> <p>1 MS. FENDERBOSCH: Right.</p> <p>2 MR. SCARPELLI: And I was told by the</p> <p>3 federal government to remind you that you cannot ask</p> <p>4 them to take it down.</p> <p>5 MS. FENDERBOSCH: I'm -- that's not the</p> <p>6 question, sir. It's an internal thing. This is a new</p> <p>7 code for us. This is the first cell tower using this</p> <p>8 code. There is another section that has to do with</p> <p>9 need. This has nothing to do with need. All it has to</p> <p>10 do with is height.</p> <p>11 This body can grant you that. We just need</p> <p>12 to make sure we check the box that we've done our due</p> <p>13 diligence.</p> <p>14 So just give us a moment. Mr. Esborn is</p> <p>15 going to walk us through it. Because we probably have</p> <p>16 what we need, but we want to make sure that that box is</p> <p>17 checked.</p> <p>18 If you would, Mr. Esborn.</p> <p>19 MR. ESBORN: Thank you, Councilwoman</p> <p>20 Fenderbosch. I'm looking at the demonstration of need</p> <p>21 that -- this is the -- you know, it opens with the</p> <p>22 letter from Attorney Marcy to Law Director Ebert. So</p> <p>23 that begins the demonstration of a need.</p> <p>24 As long as the proposed height of this tower</p> <p>25 is in that demonstration-of-need document, that is what</p>	<p>Page 39</p> <p>1 case on the Court of Appeals on that. So that is true</p> <p>2 as far as fall zone --</p> <p>3 MR. SCARPELLI: And the situation we are</p> <p>4 talking about is raw land behind me --</p> <p>5 MR. EBERT: I understand. I just want to</p> <p>6 make sure the falls zone of an extra 100 feet, to make</p> <p>7 sure that is met, as far as there's not an issue of</p> <p>8 that. Because that safety need can be denied because of</p> <p>9 that. So I'm raising the question.</p> <p>10 MAYOR ZILKA: All right. Were you going to</p> <p>11 say something, sir?</p> <p>12 MR. HAAS: Real quick. I wanted to know if</p> <p>13 Mrs. Fenderbosch was able to -- she began to ask a</p> <p>14 question about the storm water management. And I didn't</p> <p>15 know if that --</p> <p>16 MS. FENDERBOSCH: I was satisfied. Because</p> <p>17 there's two parts to storm water management. One was on</p> <p>18 the checkoff sheet that Chupa and Valid[phonetic] began,</p> <p>19 and then they left employment with the City, and the</p> <p>20 rest of the form was not completed.</p> <p>21 But I found verification in the packet that</p> <p>22 Bramhall provided us with. And I was just hoping that</p> <p>23 in the future, internally, they would check off the</p> <p>24 need, saying "yes, we have it, we have it," so the</p> <p>25 commissioners wouldn't have to go back and forth, page</p>
<p>Page 38</p> <p>1 our engaged structural engineer reviewed and made the</p> <p>2 determination that, indeed, this tower is needed to meet</p> <p>3 the demands.</p> <p>4 So I think that is how our department viewed</p> <p>5 it, that the demonstration of need -- again, I was just</p> <p>6 kind of looking for confirmation that that document has</p> <p>7 the proposed height in it. As long as it does, the way</p> <p>8 we view it is that when Engineer Chris Huhnke reviewed</p> <p>9 the demonstration of need, and sort of opined that this</p> <p>10 tower is needed, he was saying this tower of X height is</p> <p>11 needed to meet the need.</p> <p>12 MS. FENDERBOSCH: That's good. So all I</p> <p>13 wanted to do is to check the box. Because this is the</p> <p>14 first time we've gone through this. And if we are</p> <p>15 challenged down the road, we have done what the code</p> <p>16 asked us to do.</p> <p>17 MR. SCARPELLI: Absolutely.</p> <p>18 MS. FENDERBOSCH: So thank you for your</p> <p>19 patience while we work our way through this.</p> <p>20 Thank you, sir.</p> <p>21 MAYOR ZILKA: Mr. Ebert.</p> <p>22 MR. EBERT: Just a question. You know, the</p> <p>23 need is not what you're talking about. But the fall</p> <p>24 zone is important and can be denied based on the fall</p> <p>25 zone issue, if there's an issue of safety. I've had a</p>	<p>Page 40</p> <p>1 by page again.</p> <p>2 MR. HAAS: Thank you.</p> <p>3 MAYOR ZILKA: Okay. Would anyone care to</p> <p>4 make a motion in this case?</p> <p>5 MR. HAAS: I will attempt to do so.</p> <p>6 MAYOR ZILKA: Proceed.</p> <p>7 MR. HAAS: Move for the approval of the</p> <p>8 Planning Commission and the referral to the City</p> <p>9 Building Department on Case No. 009-23, on the</p> <p>10 application by Telecommunications Infrastructure</p> <p>11 Development Company TIDCO, located at 352 Avon Belden</p> <p>12 Road, for the project located at 32867 Pin Oak Parkway</p> <p>13 for a site plan and conditional use approval for a cell</p> <p>14 tower at the project address.</p> <p>15 With permission, I would like to add, with</p> <p>16 the understanding that the entire project site will be</p> <p>17 relandscaped with consultation with the City.</p> <p>18 MAYOR ZILKA: Thank you.</p> <p>19 Is there a second?</p> <p>20 MS. RAYMOND: Second.</p> <p>21 MAYOR ZILKA: Mrs. Raymond seconds.</p> <p>22 Any other comments?</p> <p>23 MAYOR ZILKA: Call the roll, please.</p> <p>24 MS. LaRosa: Mr. Haas.</p> <p>25 MR. HAAS: Yes.</p>

<p>Page 41</p> <p>1 MS. LaRosa: Mr. Orille.</p> <p>2 MR. ORILLE: No.</p> <p>3 MS. LaRosa: Ms. Fenderbosch.</p> <p>4 MS. FENDERBOSCH: Yes.</p> <p>5 MS. LaRosa: Mayor Zilka.</p> <p>6 MAYOR ZILKA: Yes.</p> <p>7 MS. LaRosa: Dr. Ma.</p> <p>8 DR. MA: Yes.</p> <p>9 MS. LaRosa: Mrs. Raymond.</p> <p>10 MRS. RAYMOND: Yes.</p> <p>11 MS. LaRosa: Motion carried.</p> <p>12 MAYOR ZILKA: Your item has been approved.</p> <p>13 MR. SCARPELLI: Thank you very much.</p> <p>14 MAYOR ZILKA: You're welcome.</p> <p>15 The next case, Ms. LaRosa, proceed, please.</p> <p>16 MS. LaRosa: Case No. 010-23, Pulte Homes</p> <p>17 and Kopf Construction, Improvement Plan Approval for</p> <p>18 Legacy Isles Subdivision Number 2B.</p> <p>19 The Legacy Isles Subdivision is located</p> <p>20 south of Walker Road, east of Avon Belden Road, and west</p> <p>21 of Jaycox Road, in a Planned Unit Development zoning</p> <p>22 district. The general approvment plan was approved by</p> <p>23 Planning Commission in 2018, and then refined and</p> <p>24 improved in 2020.</p> <p>25 Subdivision Number 1 Improvement Plans were</p>	<p>Page 43</p> <p>1 MAYOR ZILKA: Thank you.</p> <p>2 Gentleman, introduce yourself and tell us if</p> <p>3 you have been sworn in.</p> <p>4 MR. KRANE: Jeremy Krane. I have been sworn</p> <p>5 in. Pulte Homes, 387 Medina Road, in Medina.</p> <p>6 MR. O'CONNOR: Jim O'Connor, with Pulte. I</p> <p>7 have not been sworn in.</p> <p>8 JIM O'CONNOR, of lawful age, called for</p> <p>9 examination, as provided by the Ohio Rules of Civil</p> <p>10 Procedure, being by Law Director first duly sworn, said</p> <p>11 as follows:</p> <p>12 MAYOR ZILKA: Proceed, gentlemen.</p> <p>13 MR. KRANE: So we have a Legacy Isle Phase</p> <p>14 2-B Improvement Plans in front of you. So to just put</p> <p>15 in context to where we're at, Walker Road is on the</p> <p>16 north and the remaining Legacy Point Development</p> <p>17 surrounding. And the area here of Legacy Isle, itself.</p> <p>18 Another vantage point coming from the north into the</p> <p>19 site.</p> <p>20 The site plan itself, which is made up of</p> <p>21 single-family homes, town homes, as well as the</p> <p>22 clusters. The red is the clusters; the blue are town</p> <p>23 homes; and the Phase 2B is made up of the single-family</p> <p>24 homes.</p> <p>25 So 2B is currently these 20 homes, the</p>
<p>Page 42</p> <p>1 approved by Planning Commissions in 2020. And</p> <p>2 Subdivision Number 2 Improvement Plans were approved in</p> <p>3 2022.</p> <p>4 Subdivision Number 2B consists of 16 lots</p> <p>5 west of Congressional Lane and Trillium Court. And more</p> <p>6 lots at the northeast end of Royal Troon Drive.</p> <p>7 MAYOR ZILKA: Thank you.</p> <p>8 Before we begin, any comments from</p> <p>9 Engineering on this item, Mr. Howard?</p> <p>10 MR. HOWARD: On behalf of the City, we</p> <p>11 reviewed the revised plans to make sure they addressed</p> <p>12 the previous comments from Chagrin Valley, dated March</p> <p>13 30th, of '23. The applicant did address all those</p> <p>14 comments.</p> <p>15 The only additional comment that I brought</p> <p>16 up was the driveways for the future homes could be</p> <p>17 within the 20 foot storm sewer easement to the HOA in</p> <p>18 the City. And there would just be some protection, that</p> <p>19 if the City ever had to get in to access that storm</p> <p>20 sewer, that the City would not be responsible for</p> <p>21 replacing the driveways.</p> <p>22 And the applicant has mentioned that they</p> <p>23 will provide that on their plot plans, and let the</p> <p>24 future homeowners know that, that is at their risk of</p> <p>25 putting the driveway on top of the storm sewer.</p>	<p>Page 44</p> <p>1 single-family homes.</p> <p>2 MAYOR ZILKA: Do you have any other</p> <p>3 comments?</p> <p>4 MR. KRANE: That's our only comment. I</p> <p>5 would be welcomed to answer any...</p> <p>6 MAYOR ZILKA: Jim, do you have any other</p> <p>7 comments?</p> <p>8 MR. O'CONNOR: No. That's it.</p> <p>9 MAYOR ZILKA: Okay. We'll start with</p> <p>10 Mr. Haas.</p> <p>11 MR. HAAS: I don't really have any questions</p> <p>12 of any substance. And this may be actually outside of</p> <p>13 the project area.</p> <p>14 Because I visited the site. That circle</p> <p>15 where Innisbrook comes into congression, it seems like</p> <p>16 that's going to be a very tricky intersection. It just</p> <p>17 seemed a little confusing to me. Not as if there were a</p> <p>18 lot of construction vehicles or anything there as I was</p> <p>19 going through it, but the site lines, where Innisbrook</p> <p>20 comes in, yield to that -- I don't know what you'd call</p> <p>21 that. It's not quite a cul-de-sac, but...</p> <p>22 And Innisbrook is also the private street</p> <p>23 that ultimately goes around and connects with the other</p> <p>24 cluster homes in the beginning of this project?</p> <p>25 MR. KRANE: That is correct.</p>

<p>Page 45</p> <p>1 MR. HAAS: Okay. But I don't think the pool 2 and the clubhouse are within this 2B project at this 3 point? 4 MR. KRANE: They are actually within Phase 5 2A. We currently have plans in for review to start the 6 clubhouse in that area. So that's in the design B 7 process. 8 The pool drawings are also with the State as 9 well. So we are waiting for the State to give their 10 approval. 11 MR. HAAS: Other than fact that I always get 12 lost when I drive through this development, it took me a 13 while to find my way in, and getting out -- 14 MR. KRANE: Breadcrumbs. 15 MR. HAAS: -- the homes are just beautiful. 16 And I think it's going to be a great development. 17 MAYOR ZILKA: I haven't mastered the 18 Westwinds, let alone this. 19 Thank you, Mr. Haas. 20 Mr. Orille. 21 MR. ORILLE: So will the driveways be built 22 into the storm sewer easement area? 23 MR. KRANE: There's the potential on some of 24 them. It depends on the site plan. And the actual home 25 plan that the customers select.</p>	<p>Page 47</p> <p>1 sewer system. I'm sure there's been situations where 2 the City has had to get involved with HOAs and storm 3 systems. It happened in the past. 4 But our documents try to protect the City in 5 that event, and purposely put the onus on the Homeowners 6 Association for the maintenance of that, should they 7 need to maintain it and that driveway needs to come out 8 or gain access or impede it for a certain period of 9 time. The HOA is responsible for putting it back. 10 MR. ORILLE: So the ultimate homeowner, or 11 purchaser, will receive a disclosure, I guess, 12 indicating that if their driveway is built in the area, 13 it would be a disclosure to them? 14 MR. KRANE: Yeah. We do a TOPO currently, 15 as we discussed this morning, if you would like, I don't 16 mind actually adding a formal letter to that fact. You 17 know, signed when a buyer purchases the home. 18 I'm thinking if it is a spec home, we may, 19 as Pulte, sign it initially. We can provide it in the 20 documents that they would sign at the time of purchase. 21 We could maintain, in a file, and provide it to the 22 City. 23 MR. ORILLE: Okay. 24 I appreciate it. 25 MR. KANE: Thank you.</p>
<p>Page 46</p> <p>1 So some of the homes are wider than others, 2 depending on the garage landing, whether it's a 3 side-entry or front-entry garage. What we do with the 4 process is we have them sign off on it and acknowledge 5 the plat. 6 So when the TOPO is created, showing that, 7 we outline where all of the easements are, we have them 8 sign, acknowledge, and educate them. 9 It was discussed today in a meeting that in 10 a lot of cases, we will build spec homes, in which case 11 we are submitting to the permit, we have TOPO prior to 12 the customer signing up for that home. 13 But we always, whenever we have enter into a 14 contract with the homeowner, that's one of the immediate 15 things that we do, not only for their education, but our 16 protection, in terms of making sure that they understand 17 everything that is on the TOPO. 18 So we actually go through and highlight in 19 different colors where the easements are. Things like 20 as fences and storm easements that have haunted us, as 21 well as the City. We try to educate them as best we can 22 in terms of what is out there. 23 But additionally, we're covering, with the 24 driveways, the storm sewer, their LTMA, the HOA is 25 ultimately responsible for the maintenance of the storm</p>	<p>Page 48</p> <p>1 MAYOR ZILKA: Thank you. 2 Mrs. Fenderbosch. 3 MS. FENDERBOSCH: Thank you. I'm going to 4 follow up on the same question. 5 As a council person, I deal with the 6 aftermath. Many years, in times, the property is sold 7 and sold again. I would recommend that whoever has a -- 8 whoever is going to lead us in putting together the 9 language for the vote would add that there would be a 10 letter, so that there's formal action by this body, and 11 a letter can go in. 12 I don't know if you actually call it a deed 13 restriction, because it's the HOA. But it's part of 14 what the title company would be providing upon transfer. 15 And that way, the buyer would sign it and acknowledge 16 that they have received it. 17 It also protects you folks. It protects the 18 City. It protects the future buyers. 19 But I would like to deal with storm water. 20 My favorite topic when it comes to this particular 21 development. I'm always asking it. 22 So let's turn to page 8, if we could, from 23 the packet you gave us. 24 Could you walk me through it, as to how you 25 are managing storm water with the raise? I know you</p>

<p>Page 49</p> <p>1 were asked to raise the grading, right?</p> <p>2 And there's, if you could walk us through</p> <p>3 it, I would appreciate it, as part of this record.</p> <p>4 MR. KRANE: So I'm going to start</p> <p>5 pictorially with this one.</p> <p>6 MS. FENDERBOSCH: Go for it.</p> <p>7 MR. KRANE: So the area of 2B, which is this</p> <p>8 cul-de-sac right here, as well as a couple of homes in</p> <p>9 this area, falls within that green area or that</p> <p>10 watershed area, which is all draining to this storm</p> <p>11 water management here, which then flows into this plan</p> <p>12 pond, and then flows down --</p> <p>13 MS. FENDERBOSCH: Can I stop you a second?</p> <p>14 When you say it's draining, is it draining through</p> <p>15 runoff draining or are you piping it underground?</p> <p>16 MR. KRANE: So if I work backwards into the</p> <p>17 cul-de-sac, so do you see the green line?</p> <p>18 MS. FENDERBOSCH: Yes.</p> <p>19 MR. KRANE: We have the main trunk sewer</p> <p>20 coming up this way. Additionally, we have rear-yard</p> <p>21 drains coming back on the green lines. So these were</p> <p>22 the sewer easements we were talking about there, that</p> <p>23 are 20 foot easements, coming from this pipe.</p> <p>24 And so that's the area I believe that is in</p> <p>25 question.</p>	<p>Page 51</p> <p>1 property that's next to the model, which we've discussed</p> <p>2 has nothing to do with this.</p> <p>3 But I have no further questions. There is</p> <p>4 one more page. Just a moment.</p> <p>5 Mr. Howard, will the storm water plan be</p> <p>6 going through to you?</p> <p>7 MR. HOWARD: (Indicating.)</p> <p>8 MS. FENDERBOSCH: All right. I have one</p> <p>9 more that was highlighted to make sure it's been</p> <p>10 answered.</p> <p>11 The Inspection Maintenance Agreement, you</p> <p>12 are going to have that included with your paperwork,</p> <p>13 correct? Because right now --</p> <p>14 MR. O'CONNOR: It's already filed.</p> <p>15 MS. FENDERBOSCH: See, this is the thing I'm</p> <p>16 having trouble with, this grid is not up to date.</p> <p>17 No further questions. Thank you.</p> <p>18 MAYOR ZILKA: I did have concerns about</p> <p>19 storm water because that seems to be a common problem in</p> <p>20 Avon Lake because we are so flat. And you seem to have</p> <p>21 addressed it in your explanation. So thank you.</p> <p>22 We have Dr. Ma.</p> <p>23 DR. MA: I agree with Mrs. Fenderbosch. I</p> <p>24 went and saw the model home, it looks beautiful. Little</p> <p>25 envious. Wanted to move, cannot afford it. But</p>
<p>Page 50</p> <p>1 I don't know if that answers...</p> <p>2 MS. FENDERBOSCH: It does. That happily</p> <p>3 answers it, because I heard someone say that there</p> <p>4 wasn't going to be anything in the back. And there's</p> <p>5 been a lot of back-and-forth, as to where the storm</p> <p>6 drains would be. That's why I wanted to go on record</p> <p>7 where you are going to be placing them.</p> <p>8 I had the privilege of being able to be on a</p> <p>9 golf cart, and I was given the tour of the entire</p> <p>10 development. And you are doing a great job. I believe</p> <p>11 of keeping the construction area clean. Also, seeding</p> <p>12 it right after it's been graded, I know that calk is</p> <p>13 going around the exterior part, but they are also</p> <p>14 providing, you're providing what needs to happen right</p> <p>15 up to the homes. The homes are beautiful. They really</p> <p>16 are.</p> <p>17 MR. KRANE: Thank you.</p> <p>18 MS. FENDERBOSCH: And that he mirror what's</p> <p>19 in the area. And that was the biggest concern in the</p> <p>20 residents in my ward, "Are they going to be mirroring</p> <p>21 what's right there?"</p> <p>22 Whether it is the cluster homes or town</p> <p>23 homes or the single homes, so far, you are doing a great</p> <p>24 job.</p> <p>25 The only one I'm concerned about is the</p>	<p>Page 52</p> <p>1 beautiful.</p> <p>2 Are the single-family homes similar in size</p> <p>3 and pricing as those other areas? What's your range?</p> <p>4 MR. KRANE: Yeah. So the single-family</p> <p>5 homes, the larger ones, which are the model that was</p> <p>6 built that you see, as you initially drive in, this is</p> <p>7 more of those homes. And as you go down through, past</p> <p>8 the roundabout that we had discussed earlier, you have</p> <p>9 the cluster homes, kind of the condo units there. And</p> <p>10 then the town homes.</p> <p>11 So and if you kind of stepped in value, they</p> <p>12 range from 400,000 to -- we've had homes for over a</p> <p>13 million. So it's quite a range and gives us a lot of</p> <p>14 different opportunities for different buyer groups</p> <p>15 within the community.</p> <p>16 DR. MA: And the single-family homes, the</p> <p>17 square footage is around 4,000ish for those?</p> <p>18 MR. KRANE: The plans, depending on what</p> <p>19 option they select, the single-family homes, they go</p> <p>20 from 2800 up to 4,000 square feet.</p> <p>21 DR. MA: It was beautiful. It really was.</p> <p>22 Really nicely done.</p> <p>23 When would you begin construction on these</p> <p>24 if approved?</p> <p>25 MR. KRANE: On the homes or development</p>

<p>1 itself? 2 DR. MA: On the homes in 2B. 3 MR. KRANE: So ideally -- I don't have my 4 schedule here. 5 But ideally, we would like to start it in 6 July. But that depends on tonight and our progression 7 through council, which would put us then in September 8 for payment down. And it's taking a long time nowadays 9 to get the utilities themselves completed, electric, gas 10 to the units themselves. So we would anticipate 11 probably releasing these for sale in the spring of next 12 year. 13 DR. MA: And the only other final comment 14 that I would have is, I would agree I was thinking for 15 especially spec homes or homes as they change hands, 16 having a formal letter indicating that storm sewers are 17 under the driveways. 18 That's it. 19 MAYOR ZILKA: Mrs. Raymond. 20 MS. RAYMOND: My questions have been 21 answered. Thank you. 22 MAYOR ZILKA: MS. Fenderbosch. 23 MS. FENDERBOSCH: Thank you. I just want 24 some clarity. 25 So, Mr. Esborn, this will be going to City</p>	<p>Page 53</p>	<p>1 about whether that's really sort of how we want to do 2 that. 3 So the plan now is, we will continue on the 4 course for this to go to City Council. I believe the 5 next CCM is on the 20th? 6 MS. FENDERBOSCH: If I could, so the new 7 code is different than the old code. The old code, 8 first of all, is two different codes. 9 Let's go with City Council's rules. City 10 Council has a rule that there's three readings. So 11 there's the CCM, there's a council meeting where we 12 vote, right? That's the first two meetings. 13 So in essence, there's a number of times it 14 comes before the public. That's City Council. 15 But the old code, depending on what it was, 16 we could take it through the second meeting or we could 17 take it through one meeting. 18 With the new code, I'm going to read this, 19 because it only requires one meeting. And it does not 20 require us to take it to a CCM. 21 Number 5, and I'm on page 29. And this is 22 1214.05. And this is under C. And it is Step 5. 23 "Review a decision on the preliminary plan 24 by City Council." 25 And we talked about these improvement plans,</p>	<p>Page 55</p>
<p>1 Council or will not be going to City Council, from the 2 discussion earlier? 3 MR. ESBORN: So let me back up just a little 4 bit on that question. 5 These are improvement plans in a major 6 subdivision. Since the Planning Commission reviewed and 7 approved the Harbor 3 Improvement Plans in April, our 8 department has been struggling to find a clear answer in 9 the Planning and Zoning Code to, "do improvement plans 10 go to Council for approval or do they just go to 11 Planning Commission for approval?" 12 And the code is just not clear enough on 13 that. You know, what we sort of had resolved coming 14 into tonight, having consulted Wendy Moeller from 15 Compass Point, who is our consultant in writing the 16 code, is that they do go to council. One, because 17 that's largely past practice. And two, because that 18 was, as she recalled, the intent when we wrote the new 19 code. 20 So that's why the agenda says that, you 21 know, the project description say, that based on 22 approval, these go to City Council. 23 However, even sort of as we were meeting 24 with Pulte today, sort of talking about how improvement 25 plans are processed, it made us kind of wonder again</p>	<p>Page 54</p>	<p>1 right? And it says, "The City Council should review the 2 plan application at its next regularly-scheduled meeting 3 or at a special meeting following the receipt of the 4 recommendation from the Planning Commission." 5 Because when we were with our consultant, 6 she did not want construction to be held up due to 7 processing when we already had it through -- because you 8 folks had a different process than what we used to have. 9 You already go through an internal review over and over 10 again before it comes to us. 11 Then if you go to number 9, step 8, it says, 12 "City Council Review and Decision on the final plat 13 acceptance of improvements of City Council. A the City 14 Council shall review the final plat," which this is not, 15 "as next scheduled meeting or special meeting following 16 the review and recommendation from the Planning 17 Commission." 18 So it's utilizing this as though it's all in 19 one. "B, City Council should make a decision in 60 days 20 of receiving the final plat." 21 This is not a final plat, so we keep 22 reading. "C, if City Council denies the final plat, the 23 applicant should move forward to due process until the 24 final plat and improvements plans are approved by City 25 Council."</p>	<p>Page 56</p>

<p>1 So it's very confusing. "D, the City, 2 through action by the City Council, may approve the 3 final plat and accept public improvements made by a 4 subdivider that meets certain conditions," and it goes 5 on. 6 But you're right, it doesn't tell us for the 7 improvement plan, what to do. But it does state, "bring 8 it to council's very next meeting." 9 So that would be, if the next meeting is a 10 CCO, we'd bring it to that. If the next meeting is a 11 council meeting, we'd bring it to that. It does not 12 require the three meetings. 13 Law Director, do you agree with that? 14 MR. EBERT: I agree that it should be at a 15 regular council meeting, not at a special meeting. 16 MS. FENDERBOSCH: Say it again, so she can 17 hear. 18 MR. EBERT: It should be at a regular 19 council meeting, not at a CCO meeting. 20 MS. FENDERBOSCH: Not at a special meeting, 21 correct? 22 MR. EBERT: Correct. 23 MR. ESBORN: You know, I think that if we 24 were able to have council approval that was more 25 expedient that we didn't have to take it to the CCM,</p>	Page 57	<p>1 plate, and then there's also ramifications what would 2 happen after 60 days, 90 days, et cetera. 3 MR. ESBORN: And if I could take that one 4 step further with Planning Commission being the first 5 Tuesday of the month, you are usually going to have that 6 schedule, where there is a voting meeting on the Monday 7 following the Planning Commission, so that -- 8 MR. O'CONNOR: You know, this is excellent 9 discussion. And I'll speaking from a very broad 10 perspective. I've been before you many times where it 11 was September, and we're trying to get going and paving 12 it down. So it becomes critical timing that could 13 impact development cost and quality. 14 Many cities look at this and say, "If it's 15 something that's legislative, i.e., a development plan 16 or a rezoning, that absolutely, 100 percent should go 17 through council and the committee process and the 18 readings. 19 This, under the Ohio Revised Code is 20 actually an administrative approval of something that 21 comports that something you've already approved 22 legislatively. 23 So it follows the development plan and it's 24 just the actual physical improvement plan. So that 25 creates a good distinction of one meeting and</p>	Page 59
<p>1 that would be sort of a good path forward. 2 I do think we would benefit from a text 3 amendment clarifying this. And my inclination right now 4 is that it should maybe happen before our 5 end-of-the-year text amendments. 6 But, you know, again, what Councilwoman 7 Fenderbosch is suggesting, you know, it addresses some 8 of the delay issue while still, you know, having it 9 approved by council, which seems like it was the intent 10 when we wrote the code and I think has been past 11 practice. 12 So again, I think our plan was to sort of 13 continue with the assumption that it will go to council. 14 So I think, with that, that's even more of the case. 15 MS. FENDERBOSCH: So if it should pass, the 16 next meeting, the next regular meeting for a vote is 17 Monday. It's not a CCM. 18 MR. ESBORN: Right. 19 MS. FENDERBOSCH: That would be along the 20 lines of what our consultant schooled us in, that we 21 should not be delaying this. 22 MR. ESBORN: Yep. 23 MS. FENDERBOSCH: The only time it should be 24 delayed is if it is hugely controversial to the point 25 where council would make no decision, keep it off the</p>	Page 58	<p>1 administrative approval, and then the large issues go to 2 the full... 3 MS. FENDERBOSCH: And maybe we will start in 4 the future maybe change the name of it. Maybe it will 5 be an a "modification", versus, "improvement". Because 6 as for American Planning Association changing how they 7 are looking at things, we too have to be involved. 8 MR. O'CONNOR: Great discussion. 9 MAYOR ZILKA: Thank you. 10 Would anyone care to make a motion on this 11 item? 12 MR. HAAS: I will try. 13 Move for the recommendation to City Council 14 for the approval of Case No. 010-23, on the application 15 of Pulte Homes, 387 Medina Road, Medina and Kopf 16 Construction, located at 420 Avon Belden Road, Avon 17 Lake, for the project located at Legacy Isle Subdivision 18 2B, for an improvement plan, subject to the following 19 modifications: The developer will provide initial 20 purchasers of each lot with a letter, parenthetically, 21 with a copy of which will be provided to the City, end 22 of parens, setting forth the purchaser's responsibly for 23 maintaining the storm sewer clean-outs on their lot. 24 Just for clarification, is it just the 25 clean-out that we have to concern with or the entire</p>	Page 60

<p>1 storm sewer?</p> <p>2 MS. FENDERBOSCH: It's also the driveways</p> <p>3 that are over the storm water easements, if I could,</p> <p>4 sir.</p> <p>5 MR. HAAS: The storm water clean-out and the</p> <p>6 fact that the storm sewer runs under their driveway on</p> <p>7 the lot.</p> <p>8 MAYOR ZILKA: Do I have a second?</p> <p>9 DR. MA: I'll second.</p> <p>10 MAYOR ZILKA: Dr. Ma seconds.</p> <p>11 Final comments?</p> <p>12 MAYOR ZILKA: Call the roll, please.</p> <p>13 MS. LaRosa: Mr. Haas.</p> <p>14 MR. HAAS: Yes.</p> <p>15 MS. LaRosa: Mr. Orille.</p> <p>16 MR. ORILLE: Yes.</p> <p>17 MS. LaRosa: Sorry.</p> <p>18 Ms. Fenderbosch.</p> <p>19 MS. FENDERBOSCH: Yes.</p> <p>20 MS. LaRosa: Mayor Zilka.</p> <p>21 MAYOR ZILKA: Yes.</p> <p>22 MS. LaRosa: Dr. Ma.</p> <p>23 DR. MA: Yes.</p> <p>24 MS. LaRosa: Mrs. Raymond.</p> <p>25 MRS. RAYMOND: Yes.</p>	<p>Page 61</p> <p>1 been -- the Commission had already moved it to the 5th.</p> <p>2 Now if the Commission wants to discuss that,</p> <p>3 that's fine by me.</p> <p>4 But we've been -- you know, we've been</p> <p>5 acting as if it's the 5th. You know, we sort of set a</p> <p>6 sort of deadline for applications as if it's the 5th.</p> <p>7 I mean, the nice thing is, if it were pushed</p> <p>8 back, that's not a huge problem. But we have been</p> <p>9 operating under that assumption.</p> <p>10 MAYOR ZILKA: Let's put it this way, how</p> <p>11 many people would be able to attend the meeting on the</p> <p>12 5th of July?</p> <p>13 What?</p> <p>14 MS. FENDERBOSCH: Would be or not?</p> <p>15 MAYOR ZILKA: Would be able to attend?</p> <p>16 So who would not be able to attend?</p> <p>17 Okay. I guess we're going to have it on the</p> <p>18 5th of July then.</p> <p>19 MS. RAYMOND: Unless, if I may.</p> <p>20 Ted, if there's applicants that would</p> <p>21 benefit from the extra time, or not?</p> <p>22 MR. ESBORN: You know --</p> <p>23 MS. RAYMOND: That's the only one question I</p> <p>24 would have.</p> <p>25 MR. ESBORN: And I think that I'm very happy</p>
<p>Page 62</p> <p>1 MAYOR ZILKA: Your item has been approved.</p> <p>2 MR. KRANE: Thank you.</p> <p>3 MR. O'CONNOR: Thank you.</p> <p>4 MS. FENDERBOSCH: And I will put it on the</p> <p>5 agenda for Monday.</p> <p>6 Actually, I believe that Mr. Esborn will be</p> <p>7 presenting. We are trying to have some consistency with</p> <p>8 the presenting. So I don't know who will be presenting.</p> <p>9 Is that correct, sir?</p> <p>10 MR. ESBORN: It certainly can be.</p> <p>11 MS. FENDERBOSCH: Thank you.</p> <p>12 Or I'm sorry. It's now Kelly. I'm sorry.</p> <p>13 You guys will work it out. Somebody from</p> <p>14 the staff will be there.</p> <p>15 MAYOR ZILKA: We do have a procedural item.</p> <p>16 The next meeting is scheduled for Tuesday,</p> <p>17 July 4th, I believe. So we certainly don't want to meet</p> <p>18 on July 4th. That is pretty much a holiday kind of</p> <p>19 period.</p> <p>20 MR. HOWARD: I would recommend that we move</p> <p>21 the July meeting to the second Tuesday of the month, if</p> <p>22 that's okay.</p> <p>23 MR. ESBORN: Again, I think we already -- I</p> <p>24 think this came up at the last meeting and I think it</p> <p>25 was ex-Chairman Plunkett, who said that it had already</p>	<p>Page 64</p> <p>1 to say this, and I think this is -- part of this is</p> <p>2 certainly having Kelly with the City.</p> <p>3 You know, we're in a position now with the</p> <p>4 July meeting, where the submission deadline is tomorrow.</p> <p>5 And, you know, so it's pretty much set.</p> <p>6 I mean, the people who either have their</p> <p>7 stuff in or are going to have their applications in, we</p> <p>8 know who they are. And so, I mean, it would maybe -- it</p> <p>9 could give the City more time. But I really don't think</p> <p>10 it matters that much.</p> <p>11 MAYOR ZILKA: So we're going it on July 5th,</p> <p>12 as we may have already established.</p> <p>13 DR. MA: My only ask would be -- and I</p> <p>14 appreciate that you have been very timely with our</p> <p>15 packets. But if you could give it to us by Thursday,</p> <p>16 for sure, for the week before. That would give us a</p> <p>17 little bit of extra time and we wouldn't have to do this</p> <p>18 completely over the holiday weekend.</p> <p>19 MAYOR ZILKA: You don't want to spend the</p> <p>20 weekend looking at packets?</p> <p>21 DR. MA: No, sir.</p> <p>22 MAYOR ZILKA: Okay. Motion to adjourn --</p> <p>23 wait.</p> <p>24 General Public Discussion.</p> <p>25 I'm sorry. Would anyone like to speak for</p>

<p>1 the Public Discussion?</p> <p>2 Yes, sir. Come on up.</p> <p>3 Mr. Schiazza, come forth and give your name</p> <p>4 and state if you have been sworn in.</p> <p>5 I'm sorry. I didn't swear in earlier.</p> <p>6 ALFRED SCHIAZZA, of lawful age, called for</p> <p>7 examination, as provided by the Ohio Rules of Civil</p> <p>8 Procedure, being by Law Director first duly sworn, said</p> <p>9 as follows:</p> <p>10 MR. SCHIAZZA: As the Mayor greeted me, my</p> <p>11 name is Alfred Schiazza, and I'm a resident of Avon</p> <p>12 Lake. As most of you know, I don't normally come to</p> <p>13 these meetings.</p> <p>14 I want to pick up some information in the</p> <p>15 format. And some of the things were brought up and</p> <p>16 discussed, and I want to commend you on the two issues</p> <p>17 that were addressed today.</p> <p>18 There are times I see things that I</p> <p>19 question. I'm going to comment on, most notably, a</p> <p>20 recent proposal for a 120-unit apartment complex.</p> <p>21 Perhaps, again, I put the onus on myself</p> <p>22 here for not paying attention. But that seems like a</p> <p>23 pretty significant issue that I thought went pretty far</p> <p>24 before most people in the public were very knowledgeable</p> <p>25 of it.</p>	<p>Page 65</p>	<p>1 And I'll just say one other item on it, I</p> <p>2 saw there was, on items such as that, in regard to tax</p> <p>3 abatement. This has to be approved by the school board?</p> <p>4 I was very surprised at that.</p> <p>5 And in that case, I understood it was. But</p> <p>6 I don't are the understanding on that. But I'm hoping</p> <p>7 that someone could, at least on that point, address my</p> <p>8 question.</p> <p>9 MAYOR ZILKA: First of all, the project has</p> <p>10 been pulled.</p> <p>11 MR. SCHIAZZA: I realize that.</p> <p>12 MAYOR ZILKA: So it's not going to come any</p> <p>13 time soon, if at all.</p> <p>14 There are some issues with regard to</p> <p>15 sanitary sewers and the cost of that. That's one issue.</p> <p>16 Certainly, the tax abatement is</p> <p>17 controversial. The school board did approve the</p> <p>18 abatement. That process was used when we built Aqua</p> <p>19 Marine. But it was pointed out by many people that that</p> <p>20 was a distressed area, and that was one way to really</p> <p>21 energize the western end of town. And that's been a</p> <p>22 successful project.</p> <p>23 I believe the very first apartment buildings</p> <p>24 that were put up there were completed about 13 years</p> <p>25 ago, so it's been paying full taxes on it.</p>
<p>1 I certainly looked at that as being very,</p> <p>2 very significant to changing the environment, the</p> <p>3 culture, the -- just how I view Avon Lake as a</p> <p>4 community.</p> <p>5 We are a lot of, in most cases, residential</p> <p>6 homes. And I think we like to look at it like that.</p> <p>7 When I heard 120 units going up in an 7 acre area, and I</p> <p>8 just put two people per unit, that was the density of</p> <p>9 22,000 people per square mile.</p> <p>10 That was shocking to me. I didn't know -- I</p> <p>11 thought, perhaps, it would be a lot more discussion on a</p> <p>12 lot more issues regarding that, on whether it's traffic</p> <p>13 or just the, again, that particular area. In which by</p> <p>14 the way, I think the paper originally presented as</p> <p>15 across the street from where it is. I understand that</p> <p>16 part was planned.</p> <p>17 So there's a lot of confusion there. And a</p> <p>18 lot of what -- when I think of a 120-unit development,</p> <p>19 I'm thinking multi-stories, i obviously think most of us</p> <p>20 would. And it was just shocking that it seemed to me to</p> <p>21 go so far before people were knowledgeable.</p> <p>22 So my comment here is that, again, onus on</p> <p>23 myself, I should pay attention to these things more,</p> <p>24 come to these meetings. I highly, highly encourage</p> <p>25 other people to do so.</p>	<p>Page 66</p>	<p>1 And the project went out over about 10</p> <p>2 years. So immensely, all would be taxed at the full</p> <p>3 rate.</p> <p>4 The abatement does not include value of the</p> <p>5 property. So taxes are paid, but not at the full rate.</p> <p>6 State law requires that you go to the school</p> <p>7 board under those circumstances.</p> <p>8 MR. SCHIAZZA: Is that right? That's a</p> <p>9 state requirement?</p> <p>10 MAYOR ZILKA: Yes. That it go to the school</p> <p>11 board, and that the school board approve it. And now</p> <p>12 it's on hold.</p> <p>13 I'm not sure -- Mr. Esborn, or, Mr. Ebert,</p> <p>14 how long would that be in effect, if, indeed, five years</p> <p>15 from now they came back to the City? Is there a</p> <p>16 timeframe?</p> <p>17 MR. EBERT: Yeah. They would have to</p> <p>18 reapply.</p> <p>19 MAYOR ZILKA: Have to reapply.</p> <p>20 Mr. Esborn, is that your --</p> <p>21 MR. ESBORN: You know, the abatement was on</p> <p>22 third read. And they sort of withdrew. So I guess the</p> <p>23 question is --</p> <p>24 MR. EBERT: If they withdrew, they would</p> <p>25 reapplying.</p>

<p>Page 69</p> <p>1 MR. SCHIAZZA: I'm certainly glad of that. 2 Because I feel that the residents of Avon Lake do pay 3 fair share of taxes to develop an area that they would 4 have to supplement, I really -- my own personal thoughts 5 here are that we are not particularly thrilled in doing 6 that. 7 So I've been in the community for well, 34 8 years now. And I went through Aqua Marine, and what 9 took place there. I know that's been defined as 10 distressed area, yet, I couldn't understand why. I 11 didn't think there was much there, that's all. 12 Aqua Marine had their recreation facility 13 and bowling alley. And I thought -- well, beyond that, 14 I, perhaps, my view of the distressed area is nothing 15 like -- I've been fortunate enough to never see a 16 neighborhood like that in Avon Lake. 17 MAYOR ZILKA: Well, it was going downhill 18 and with the different sales, the Mari[phonetic] had 19 purchased it, and it was no tax at all because it was 20 religious institution. And the clientele started to get 21 a little strange. A lot of things were happening. 22 There's a lot of calls to police and fire department. 23 If you remember the Aqua Marine, it was a 24 very low ceiling, and people would stand out in the 25 hallway and smoke and set off their smoke detectors. So</p>	<p>Page 71</p> <p>1 MAYOR ZILKA: We certainly wouldn't suggest 2 that the property that these apartments were going to be 3 built on would be distressed. This is a prime piece of 4 property there. 5 MS. FENDERBOSCH: I think, if I could, 6 Chairman, there's something else that needs to be 7 discussed. And it's taken a lot of years to where we 8 are now. 9 I think you remember what we went through 10 the Land Use Plan brought in consultants for that and 11 found three target areas in the City of Avon Lake that 12 we were focusing on. And the corner of 83 and Walker 13 Road is one of them. 14 MR. SCHIAZZA: Um-hmm. 15 MS. FENDERBOSCH: And there are plans for 16 higher density there, to make it into a walkable 17 community and to change the shopping center, as we know 18 it. 19 MR. SCHIAZZA: The shopping center on the 20 north side? 21 MS. FENDERBOSCH: On the north side, that's 22 correct. 23 Because right now, it's a strip. And to 24 possibly take -- there's been a lot of options that's 25 been discussed in this body to possibly break up that</p>
<p>Page 70</p> <p>1 the fire department, three or four times a week, went 2 down there and is a nuisance. 3 The bowling alley is separate and always has 4 been, is my understanding. So we don't want to, in any 5 way, suggest that the bowling is -- it's an asset to our 6 city, so... 7 MR. SCHIAZZA: Um-hmm. 8 MAYOR ZILKA: So this was an opportunity to 9 develop the parcel. And the cost of tearing down the 10 facility and building was quite substantial, so that was 11 challenge. So that was the incentive to do what they 12 did. 13 Those facilities there are very nice. The 14 apartments are comfortable, nice, affordable. And they 15 do provide a need. They also build up the number of 16 people living in the end of the town, which gives us 17 economic help to the small businesses in the area. 18 MR. SCHIAZZA: Sure. I certainly see it in 19 a plus in that regards. And I'm happy that it took 20 place. 21 Perhaps, my thoughts are, as far as, once 22 again, when I saw tax abatements for that, I kind of 23 questioned it. I would think there's many buildings 24 that seem very happy and eager to build in Avon Lake, 25 even with the disadvantages that you had mention, sir.</p>	<p>Page 72</p> <p>1 parking lot and bring some buildings in towards it or 2 some areas. I don't see the engineer here that's part 3 of those plans. 4 But you'll see in other areas around that 5 area coming before us, and have come before us, higher 6 density. Because that was the plan, to have higher 7 density coming in. 8 And I know that with the Facebook traffic 9 that I saw, some people were concerned there was going 10 to be Section 8. No way was there going to be Section 8 11 there at all. 12 The first level was going to be a garage. 13 And the second and third level would be a liveable 14 space. And it wasn't just a big rectangular box, quite 15 attractive, with pathways and gazebos. And you probably 16 have seen the plans. 17 MR. SCHIAZZA: I have not. 18 MS. FENDERBOSCH: There are sessions here 19 that everybody's welcome to come in to, any time you 20 would like to, you can come back. To but what you saw 21 is over with unless they introduce them again. 22 But I didn't want you to walk away thinking 23 that higher density won't happen in Avon Lake. From 24 what we are hearing from duly developers, there's 25 definitely a need for higher-end apartment complexes.</p>

<p>Page 73</p> <p>1 And I'm sure we are going to be seeing it somewhere.</p> <p>2 MR. SCHIAZZA: Again, just the quick math</p> <p>3 120 units and two occupants per unit on 7 acres of land,</p> <p>4 that was a density of 22,000 of people per square mile,</p> <p>5 that seemed high to me.</p> <p>6 MAYOR ZILKA: But if you took that parcel</p> <p>7 and brought in the shopping area, the density becomes</p> <p>8 substantially less on that formula, which is what it</p> <p>9 does.</p> <p>10 When it talking about the parking area, it's</p> <p>11 fast and not an attractive use of land, but again,</p> <p>12 looking at it as a complex, as opposed to just the</p> <p>13 apartment units, the density is affected and it balances</p> <p>14 it a bit.</p> <p>15 MR. SCHIAZZA: Okay.</p> <p>16 MAYOR ZILKA: But we can argue that all</p> <p>17 night.</p> <p>18 MR. SCHIAZZA: I want to thank everyone for</p> <p>19 taking the time for listening to my concerns. And</p> <p>20 again, I'd like to look forward in the future to be more</p> <p>21 aware. As I said, when I saw it to look at it the last</p> <p>22 few weeks, and I would talk to individuals, they were</p> <p>23 just more mystified than me. So I just thought it</p> <p>24 seemed very big to me.</p> <p>25 MAYOR ZILKA: We've been talking about it</p>	<p>Page 75</p> <p>1 DR. MA: Yes.</p> <p>2 MS. LaRosa: Mrs. Raymond.</p> <p>3 MRS. RAYMOND: Yes.</p> <p>4 MS. LaRosa: Motion carried.</p> <p>5 MAYOR ZILKA: Thank you.</p> <p>6 We are adjourned.</p> <p>7 - - - -</p> <p>8 (Meeting adjourned at 8:39 p.m.)</p> <p>9 - - - -</p>
<p>Page 74</p> <p>1 for, what, a year and a half at public meetings and it's</p> <p>2 been in the paper. But I appreciate that not everyone</p> <p>3 studies everything that their city government does. We</p> <p>4 will try to make a better effort to get the word out as</p> <p>5 to what's happening. Certainly, the City website is one</p> <p>6 place to go because we list that on the agenda when it</p> <p>7 comes up. And the City Council meeting is also on</p> <p>8 there. And it passes through City Council.</p> <p>9 MR. SCHIAZZA: I see. Thank you very much.</p> <p>10 MAYOR ZILKA: You're welcome.</p> <p>11 Anyone else? Permission to speak.</p> <p>12 Okay. Motion to adjourn.</p> <p>13 MR. FENDERBOSCH: So moved.</p> <p>14 DR. MA: Second.</p> <p>15 MAYOR ZILKA: Okay.</p> <p>16 Call the roll, please.</p> <p>17 MS. LaRosa: Mr. Haas.</p> <p>18 MR. HAAS: Yes.</p> <p>19 MS. LaRosa: Mr. Orille.</p> <p>20 MR. ORILLE: Yes.</p> <p>21 MS. LaRosa: Ms. Fenderbosch.</p> <p>22 MS. FENDERBOSCH: Yes.</p> <p>23 MS. LaRosa: Mayor Zilka.</p> <p>24 MAYOR ZILKA: Yes.</p> <p>25 MS. LaRosa: Dr. Ma.</p>	<p>Page 76</p> <p>1</p> <p>2</p> <p>3 C E R T I F I C A T E</p> <p>4</p> <p>5 I, Denise Cardona, a Notary Public within and for</p> <p>6 the State of Ohio, do hereby certify that I attended the</p> <p>7 foregoing hearing in its entirety, that I wrote the same</p> <p>8 in stenotypy, and that this is a true and correct</p> <p>9 transcript of my stenotype notes.</p> <p>10 IN WITNESS WHEREOF, I have hereunto set my hand</p> <p>11 and seal of office, at Cleveland, Ohio, this 22nd day</p> <p>12 of June, 2023.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____</p> <p>19 Denise Cardona, Notary Public, State of Ohio</p> <p>20 1020 Ohio Savings Plaza, 1801 East 9th Street,</p> <p>21 Cleveland, Ohio 44114</p> <p>22 My commission expires November 29, 2026.</p> <p>23</p> <p>24</p> <p>25</p>

Amendments to June 6, 2023, Meeting Minutes

Page: 1 (1)

- Line 20 Between Line 19 and 20 Insert Line and add “EX OFFICIOS:”
- Line 22 Move “Chris Howard” [Page 1: (1) Line 22] under APPEARANCE: [Page 1: (2)]

Page: 1 (2)

- Line 3 Move “Gary Ebert” [Page 1: (2)] to EX OFFICIOS [Page 1: (1) Line 22]
- Lines 4–8 Delete lines 4 through 8

Page: 3 (10)

- Line 20 Change “was sick” to “had a conflict of interest”

Page: 5 (20)

- Line 13 Change “Mr.” Fenderbosch to “Mrs.” Fenderbosch

Page: 6 (22)

- Line 12 Add “—” after “sub”

Page: 7 (26)

- Line 23 Change “air” to “arborvitae”

Page: 10 (40)

- Line 7 Change “of” to “by”
- Line 9 Change “Building Department” to “Council”

Page: 10 (39)

- Line 18 Change “Chupa and Valid[phonetic]” to “Chagrin Valley Engineering”

Page: 12 (48)

- Line 25 Change “raise” to “grade”

Page: 13 (50)

- Line 12 Change “calk” to “Kopf”
- Line 18 Change “that he mirror” to “they are mirroring”

Page: 15 (57)

- Line 10 Change “CCO” to “CCM”
- Line 19 Change “CCO” to “CCM”

Page: 18 (69)

- Line 18 Change “Mari[phonetic]” to “Maharishi Ayur-Veda”

Page: 18 (70)

- Line 23 Change “buildings” to “builders”