

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 6, 2023
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 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; Mayor – Bryan Jensen City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

1. INTRODUCTION BY THE REGIONAL FIRST ENERGY REPRESENTATIVE

Dave Conley, The Illuminating Company - Regional External Affairs

Mr. Conley advised he appreciated the opportunity to formally introduce himself. He said he had been in this role for a few years now, but he is just now getting around to meeting officials in person and he thanked Avon Council and Mayor Jensen for this opportunity to introduce himself.

Mr. Conley advised his role with First Energy, The Illuminating Company, is that he acts as the liaison from Public Officials, Police, Fire, Emergency Personnel back to the Company. He said when there are issues in your City that arise and you are not able to get the answers to questions you need, then he is their resource for those answers. Mr. Conley stated the City of Avon has done a great job with Mr. Streator with funneling those types of concerns through him and that is typically how it has been done for a number of years and that is his main role.

Mr. Conley advised he works with seventeen other communities within Cuyahoga County and then Avon and Avon Lake in Lorain County. He said he covers the western suburbs of Cuyahoga County as well, all the way from Westlake to Strongsville and over to Broadview Heights and out toward Lakewood. Mr. Conley stated he is a lifetime westsider so it is nice to be working back in his hometown of Elyria and they may actually see him from time to time at a local store or a Chamber event.

Mr. Conley advised he gave each of them a pamphlet called, “Tips for Managing through a Power Outage”. He said unfortunately people may not think about the power company unless the power is out. Mr. Conley stated he wanted to emphasize some points that City Officials might receive questions on from their constituents. The number one thing if there is a power outage is to report that to FirstEnergy by calling 1-888-LIGHTSS (544-4877) or go to www.firstenergycorp.com/outages-help as your smart phone will work for a while when the power is out at home and you can also set up text message alerts.

Mr. Conley advised he wanted to briefly explain the storm process. The way the storm process works is that the meteorologist on staff at FirstEnergy will identify the weather coming through and decisions are made as to whether they need to staff up either the call center or out on the field as they may stage crews in the field. He said when an event occurs, and the power goes out and there are many hazards with downed lines and poles; the first thing they are going to do is address those hazards. Mr. Conley said it is where they might see crews coming into an area and they may do some work in your neighborhood and then they leave. He stated City Officials may receive phone calls from residents asking what they should do since their power is still off and the power crews left the area. Mr. Conley advised make sure the resident has reported the outage to FirstEnergy and they can rest assured that someone will take care of it. He said the first thing they are doing is making sure everything is safe by handling those hazards. After that, in the storm restoration process they put priority to critical infrastructure, police stations, fire stations and hospitals as they want to make sure those are up and running first. Mr. Conley stated then they work from the largest outages down to the smallest from transmission level, substation, neighborhoods, and then single outages. The goal is to get the most power back on as quickly as possible. He advised hopefully that provides some good resources and reasoning behind why they perform their work in a specific order.

Ms. Conley thanked Council for allowing him to come out and introduce himself and he was happy to answer any questions or address any concerns they might have.

No questions were asked and no there was further discussion.

2. DISCUSSION OF FIRE DEPARTMENT OPERATIONS

Fire Chief Swope

Chief Swope advised he was asked to speak tonight to allow for full transparency between the Fire Department operations and all of Council. He said in late May of 2022 there was a member of the Fire Department who had a medical procedure, and that member has confirmed that he will not be returning to the Department after several months of physical therapy and trying to get back to the physical level he was at before he went out on leave, and it appears that he is not. Chief Swope stated that shift has been running short for approximately seven months. He advised they have moved some positions around and paid some overtime to maintain that shift's effectiveness, but that member has enough leave bank accumulated to stay on the payroll until the end of July 2023. Chief Swope said with that, the member of the Fire Department has made it clear that he will not be returning. He stated they have an active Firefighter eligibility list currently and he is being proactive in trying to hire one from that list now so that they can be trained and ready to fill that void, so they are not shorthanded any longer given that member is not returning. Chief Swope advised the reason he is letting Council know this information is because although they have the budget for this currently, moving forward there is an unknown toward the end of the year as far as overtime and that employee's leave bank payout. He said he felt it was prudent to come before Council and explain the situation so that Council is not blindsided in the fall if the Fire Department needs to have funds appropriated for wages because of the void they are trying to fill now as opposed to waiting until that employee is officially off the books because they already know he will not be returning. Chief Swope thanked Council for their time and understanding in this matter.

Mr. McBride advised he takes it that this firefighter's plan was to keep drawing his regular salary.

Chief Swope said yes, there is the potential that this employee might also be looking into going out on disability. He said that is through the pension system, so he was not clear on that, but if that is the case then whenever that should come through, but currently this employee is using his allotted sick time and vacation and such.

Mr. McBride indicated the City knows somewhat of what that would look like from a financial standpoint but asked for confirmation that there could be a payout of the leave banks if the disability is approved.

Chief Swope advised that is correct.

Mayor Jensen advised they were having some of these kinds of issues come up more often, even in the Police Department because when someone retires there is that big gap of time. He said what he requested with the Chiefs is to let Council know of the possibility of added appropriations due to wages because there is often overtime involved. Mayor Jensen stated he wants Council to realize some of the challenges that the Fire Department is up against in trying to have the shifts properly staffed. He said this situation caused the shift to be shorthanded and it affected the overtime immensely and they also know that employee will not be returning to work. Mayor Jensen stated this is a firefighter who did a great job in keeping up his sick leave bank in case something happened, so he probably has six months of time saved and they do not want the shift to be shorthanded. He said with both Police and Fire there are not a lot of employees that are available to keep picking up those shifts because they are already working a lot of hours. Mayor Jensen advised it is one of those things that has exhausted the Fire Department as well as the Police Department. He said he asked Chief Swope to come before Council to provide this update for the sake of transparency. Mayor Jensen stated there can be multiple months of the current employee using his allotted vacation/sick time while still employed and when hiring a replacement there is training time involved putting the City somewhat at a disadvantage. He said in talking with Chief Swope, he felt like Council would support what they are trying to accomplish to ensure the shifts are covered when they need to be. Mayor Jensen clarified that the employee on leave is a Captain, and they would not be backfilling the shift with a Captain, but they would be covering the shift with a firefighter. He advised Chief Swope has done a great job and some of his frustrations have been making sure the shift is covered with the proper number of firefighters and they could be refreshed for their shift and not short staffed.

Mr. McBride advised he was not questioning backfilling the shift.

Chief Swope said he understood and did not interpret Mr. McBride's question that way.

Mr. McBride agreed they need to take care of their manpower needs. He stated that was always going to happen with Police and Fire given the nature of their jobs.

Chief Swope agreed and said he has discussed this with Police Chief Fischbach as well and it happens in Police and Fire where there is this allotment of time that the employee uses and to wait that out and then start the hiring process puts them in arrears and this is a very proactive way to handle it and he was happy to propose it to Council.

Mrs. Demaline advised she completely appreciates the position that Chief Swope is in, and she thanked him for being proactive. She said she appreciates the update to City Council knowing that they may be looking at some additional appropriations from the Fire Department as that is very helpful to know upfront.

3. ORDINANCE NO. 6-23 – TO AMEND SECTION 210.01(e)(6A)(A)(1) & (2) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO ESTABLISH RATES FOR THE USE OF THE CITY'S AQUATIC CENTER IN THE YEAR 2023 Mayor Jensen

Mayor Jensen advised the City follows the school calendar for dates for opening and closing of the pool. He said this coming pool season there will be a week less that the pool will be open because of the way the school calendar falls. Mayor Jensen stated so they are asking Council to approve keeping the seasonal pool passes the same rate as last season. He advised he will be in discussions with the Finance Director and the pool administration regarding the "buddy pass" rates for the upcoming season. Mayor Jensen said they are trying to come up with ways to generate a little bit more revenue. He said they are still looking with Mr. Presley, but if the individual day passes rate was increased it does not generate that much more money so, they will be looking at ways to offset some of the costs for the pool. Mayor Jensen stated when the Covid shutdown happened in 2020, the City lost a full year and these past two years have not been a significant revenue stream. He advised they are seeing the number of pool passes sold increase and that is the piece that helps the City the most because passholders do not use the pool every hour the pool is open, but they still need to staff the pool. Mayor Jensen was hopeful they would come up with some solutions to bring before Council, but he felt leaving the pool passes at their current rates for this upcoming season was important as they will lose a week of use with the way the school calendar falls.

4. ORDINANCE NO. 7-23 – AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR TACTICAL EMERGENCY MEDICAL SERVICES ("TEMS") AND RELATED TRAINING TO THE EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM ("ELCERT") COMPRISED OF THE CITY OF AVON, THE CITY OF AVON LAKE, THE CITY OF NORTH RIDGEVILLE, ("CITIES") AND THE METROHEALTH SYSTEM ("METROHEALTH") Mr. Streator

Mr. Streator advised this is an MOU with Metrohealth that covers the tactical paramedics from each of the Fire Departments that have been assigned to our tactical team that Avon now has with North Ridgeville and Avon Lake. He said this is in addition to our medical oversight provided currently under UH. Mr. Streator stated most of the tactical teams throughout the area have signed on with these agreements through Metrohealth because of Metrohealth's expertise and being a Level 1 trauma center. He advised our Law Director has reviewed the agreement and did not see any issues along with the other cities involved.

Mr. Radcliffe inquired if this is a new agreement with Metro.

Mr. Streator advised that is correct; Avon has never had an agreement with Metro. He said when we were participating with the Lorain County S.W.A.T. team, Lorain County had an agreement with Metrohealth. Mr. Streator confirmed that in the past Avon was with Lorain County and now that Avon has their own tactical team, Avon's as well as Avon Lake's and North Ridgeville's firefighters all fall under this oversight.

5. ORDINANCE NO. 8-23 – AUTHORIZING THE MAYOR TO ENGAGE THE SERVICES OF THE LAW FIRM ROETZEL & ANDRESS TO ASSIST THE CITY IN NEGOTIATING A CONTRACT WITH LIT COMMUNITIES (OR SIMILAR ENTITY) TO EXPLORE THE INSTALLATION/OPERATION OF A FIBER OPTIC NETWORK WITHIN THE CITY Mr. Gasior

Mr. Gasior advised the City IT Coordinator, Aaron Jenkins, was before Council maybe a year or so ago talking about the fiber line and he believed there were representatives from Lit Communities present on a couple of occasions. He said Council authorized Lit Communities to do some work for the City in 2022 and that work is now complete. Mr. Gasior stated where this issue stands right now is for that work to be analyzed and try to figure out the best way forward for the City and eventually it will be presented to Council. He advised this next step is to involve the City with legal counsel that specializes in this area. Mr. Gasior said Attorney Bill Hanna is now with the law firm Roetzel & Andress after Walter Haverfield disbanded. He stated the City is essentially going to be dealing with Mr. Hanna and he is very knowledgeable about cable, small cell, fiber optic and just about any type of communication utility that would be located in the right-of-way. Mr. Gasior advised Attorney Hanna and Attorney Gibbons, who retired from Walter Haverfield and was Mr. Hanna's predecessor, are very knowledgeable in the current state of the law with regard to those issues so he feels comfortable bringing them onboard and doing the negotiations.

Mr. Presley advised there is a Fund No. that will be added to this legislation and it will come out of the General Fund/Legal/Outside Contracting because there is a maximum of \$25,000.

Mr. Gasior advised he does not believe the cost would reach that \$25,000.

Mr. Moore advised the City paid \$30,000 to have an analysis done by Lit Communities and now they were being asked to approve up to another \$25,000 for legal counsel to look over the analysis. He inquired if Council could first see what the analysis is before they get attorneys involved. Mr. Moore said now they are talking about \$55,000 and we have not even seen the analysis. He felt they did not need to have an attorney until they see the scope from the analysis before committing to another \$25,000 of taxpayer money. Mr. Moore inquired what if they decide not to move forward after spending \$55,000. He suggested they should see the scope of work first and possibly save \$25,000; bring the representatives from Lit Communities before Council and let's talk about what they are presenting. Mr. Moore said the City paid \$30,000 so he felt Lit Communities should bring the body of work to Council and they could look at it.

Mr. Radcliffe inquired if the summary was complete.

Mr. Gasior advised he would have to talk with Mr. Jenkins and find out. He said he knows that the analysis was broken down into two or three options on how the City might go forward. Mr. Gasior stated then there would be contracts that would have to be negotiated depending upon which option was selected.

Mr. Radcliffe interjected...or no option.

Mr. Gasior concurred or no option. He said they would have to see what Lit Communities would be proposing and what they are proposing is going to be essentially contractual. Mr. Gasior advised to really understand it and analyze the proposal, they have to have the legal knowledge to understand exactly what it is they are proposing. He said it is like anything, they are getting into an area that is like a utility and Lit Communities is in it for a profit and the City would be in it, if they go into it, to try to save taxpayer money, but at the same time provide the taxpayers with a benefit. Mr. Gasior stated there is a lot going on; fiber optics is a new area, and it is very complicated. He advised he does not expect the attorneys to spend \$25,000, but we did spend the money with Lit Communities to do what they proposed to do. Mr. Gasior said that data is available and is being studied in-house, but they have reached a point where there are legal issues that have to be analyzed.

Mr. Radcliffe inquired if Mr. Jenkins could be brought in to perhaps give Council a summary, before they authorize this additional spending.

Mr. Gasior advised they could, but to some degree they are trying to analyze it first and then present it to Council in a more concise fashion.

Mr. Radcliffe inquired as to how much time does Mr. Jenkins need.

Mr. Gasior advised all he can tell them was that the Administration is trying as best they can to take a very complicated situation and break it down in its simplest forms and then bring it in front of Council.

Mr. McBride advised he understands what Mr. Gasior is saying and he believes part of what the City authorized Lit Communities to do was basically conduct a feasibility study. He said he assumes there is a lot of technical information in that study, and they have to decide how to move forward with that information but felt there should be somewhat of a high-level summary. Mr. McBride indicated that if Lit Communities provides the City with information that there are certain fibers already running through our City and are available to contract with or tap into then he could see how the City would need lawyers for that determination. He stated but it would be nice just to see what the product is thus far in terms of its feasibility. Is it such that they should be able to put a contract together and negotiate with two or three of the fiber providers and get something up and running this year or next year? Or was this going to be a ten-year or fifteen-year process? Mr. McBride felt there should be something that was basic for Council to review without it being overly simplistic.

Mr. Gasior advised the only way he thinks that Council can have their questions answered would be to have Mr. Jenkins come in and talk before Council and present the results of Lit Communities study.

Mr. McBride advised and that also could require Lit Communities to come in and maybe they should be doing that.

Mr. Radcliffe advised if Lit Communities has completed their study, then Council ought to be able to see a summary sheet and then determine if Mr. Jenkins and Lit Communities should be in front of Council once again.

Mr. McBride said the feasibility, in the absence of the proposal, could tell them how to carry it out and that these areas of the City would be easy, and these areas of the City would be difficult.

Mr. Gasior advised Mr. McBride is right about what would be in that study. He said but he thinks everyone of those hats that are out there have legal implications. Mr. Gasior stated he is not advocating one way or the other, but this is a legal process and there is no simple, "I want to buy this". He advised they were talking several millions of dollars depending on which direction is chosen on this fiber plan. Mr. Gasior said from a legal standpoint, Council needs to understand, that hiring someone who has dealt with this issue in other communities and understands it, can more easily answer Council's questions. He stated Mr. Jenkins can answer a lot of questions that are technical, but he cannot answer legal questions. Mr. Gasior advised they are not trying to waste the City's money, but we are saying that outside help is needed to guide us through the process. He said if Council does not want it, that is fine, and Council could just rely on Mr. Jenkins.

Mr. Radcliffe and Mr. Moore both said that is not what they were trying to say.

Mr. Gasior advised he is trying to tell Council what he believes they need to do in order to do this the right way.

Mr. Moore said but we do not know if we are doing it yet, so he was asking for a little bit of information and fact finding of what the City spent \$30,000 on before they commit to another \$15,000 to \$25,000.

Mr. Gasior advised if he thought that Council could get a good comprehensive picture of what they could be getting through Mr. Jenkins without someone asking legal questions, then he would not have any problem with it. He said from what he understands in conversations with Mr. Jenkins there are so many legal implications to which way the City should decide to go. Mr. Gasior stated if they decide to do nothing, they will not need a lawyer, but they cannot analyze option 1 or 2 or 3, all of which involve doing something, if they do not have legal counsel that can guide the City through what that is. He advised for instance, option 1, if the City decides to own the project completely, then what does that mean? Mr. Gasior said then the City would own the system and would be responsible for maintenance of the system and there would be a bidding process that would take place; there are a number of implications. He said with option 2 the City would own fifty percent of the project and that entails

a contract and a lease and they would need legal counsel to interpret the lease and the details of that option. Mr. Gasior advised if what Council wants to do is nothing, then they would not need a lawyer.

Mrs. Holtzmeier advised the rub that she is hearing is that last year when Lit Communities came in before Council they talked about their capabilities in two areas. She said one area was to conduct a feasibility study to provide that background on overall fiber in the City. Mrs. Holtzmeier stated that study had a lot of good points to it and it would engage the community and it would engage relevant members and it would provide input for people to give their opinions to Council that they could listen to and all of that is valuable. She advised the other side of Lit Communities capabilities, if she is remembering correctly, was that they were also a provider. Mrs. Holtzmeier said Lit Communities could study this possibility in one area of their business and then they could also fulfill. She stated she remembers there being a concern about engaging the same group that could provide a high-level review of our options in the same house as someone that wanted to sell you something. Mrs. Holtzmeier advised it was important to separate those two out because as they inch toward some decision-making, she did not hear that any of them were experts on this topic as they really need to gain a lot of information. She said ultimately, they may need some legal help. Mrs. Holtzmeier stated but to answer that question they really want the study to be able to make sure they have consulted the residents and hear how those groups have been engaged to get a sense of the interest from those residents. She advised and to learn not just Lit Communities possible solution, but that there are others and here is how that may be presented. Mrs. Holtzmeier said for her it was missing a step at this point as she would really like to see the return on that investment by coming back and providing Council with some information as that next step.

Mr. McBride thanked Mrs. Holtzmeier for elaborating and he said he has no doubt that the City will need to hire outside legal counsel, and he is hoping this is not going to cost \$100 million dollars, but he would expect that the study is completed, and Mr. Jenkins is going through it and digesting a lot of the technical stuff. He advised he would at least expect Lit Communities to come in and present the report to Council. Mr. McBride clarified he does not need a 2,000-page report as long as it is available, but he would expect to see a 20 to 50-page report and present their findings with a high-level summary and some back up information. He said and if Mr. Gasior is recommending Mr. Hanna, it would be nice to have him present at that meeting to make comments based on what is presented.

Mr. Gasior advised his desire was to have Mr. Hanna onboard, so that when Lit Communities came in, knowing there were going to be some questions of a legal nature that Council could ask those questions of Mr. Hanna and hopefully get answers. He said as opposed to asking those questions of Lit Communities who has an interest in answering the questions in a certain way. Mr. Gasior felt it was a matter of having someone the City trusts and is being paid to give good advice present when Lit Communities is here trying to make a sale.

Mr. McBride advised Council could allow Lit Communities to give their presentation and overview and then let Mr. Hanna listen and if need be go into Executive Session for him to advise us.

Mr. Gasior advised if the desire is to not do anything then Lit Communities could be brought in and Council could listen and decide after that whether they want to hire outside counsel. He said he did not have a problem either way. He said but the way he envisioned it was that Lit Communities would be eventually coming to explain everything to Council and he wanted to make sure that the City had their own legal counsel prepared to answer any questions.

6. [RESOLUTION NO. R-12-23 – IN SUPPORT OF AND AUTHORIZING THE MAYOR TO SUBMIT A MARKET DEVELOPMENT GRANT APPLICATION THROUGH THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO ENABLE CANVUS, LLC TO OBTAIN FUNDING FOR THE PURCHASE OF RECYCLING EQUIPMENT FOR THEIR START-UP FACILITY AT 1350 MOORE ROAD](#)

Ms. Fechter

Ms. Fechter advised as Council may remember a few months ago, Canvus presented their way of recycling old wind turbine blades into park furniture. She said they came across an opportunity with the Ohio Environmental Protection Agency under their 2022 Recycling & Litter Prevention Grant, a Market Development piece that allows them to apply for funds for their recycling equipment. Ms. Fechter stated this is an opportunity to create or expand recycling, processing, capacity and recycled material production. She advised with Canvus just starting up in

Avon there is a lot of equipment that they will need to be purchasing for their site. Ms. Fechter said the reason they are asking Council to approve this Resolution is because this is a City sponsored grant. She stated Canvus applied and did all the work, but the City has to send in the application on their behalf. Ms. Fechter advised no funds will be distributed until the project is completed and it is a matching grant so Canvus is committing to the State of Ohio that they will spend \$200,000 and the State is agreeing they will provide \$200,000 in funding toward this project as well to help jumpstart their business that promotes recycling.

Mr. Fischer asked if the City is just giving their blessing for this grant should it be awarded.

Ms. Fechter advised the City is the pass through. She said before the monies are awarded Canvus will have to send the reporting to the City to review to ensure that project was completed, and the machinery was indeed purchased. Ms. Fechter stated once that is done then the check will come to the City to be disbursed to Canvus. She advised the Ohio EPA utilizes cities as a pass through to verify the reporting and make sure things are done properly. Ms. Fechter said with the City submitting the application for them it shows Avon's commitment to recycling which gives them more points toward their application.

Mr. Fischer advised he supports recycling, but he has never seen the City applying for a grant on behalf of a private company. He asked if this was something new.

Ms. Fechter advised she was not sure if the City has done something like this in the past, but in speaking with the Law Director, he said that on a number of other occasions the City has done a Resolution to allow the Mayor to do the application. She said that was the same thinking behind this Resolution to make sure that Council was aware and that the City supports this request.

Mayor Jensen advised he does not know if these kinds of requests are new, but similarly he received a call from Rest Haven that they are looking for money as well. He said some of the Federal and State budgets will allow monies to be allocated for these kinds of causes and the City has to acknowledge their support for it to move forward. Mayor Jensen stated this kind of thing has come before him and Mr. Gasior in the recent past where a private entity is asking for funding for something that has a bigger benefit such as the environment with recycling. He clarified that this is a for profit company as he did not know of any non-profit companies that were recycling these items.

Mr. McBride inquired as to who would be the City employee that would be responsible for implementing this work.

Ms. Fechter advised it will be under the name of Mayor Jensen but she would be performing the work.

Mr. McBride advised he is assuming that the Finance Director will be involved.

Ms. Fechter advised most definitely.

Mayor Jensen advised Canvus will still have to do their own reporting, but the City will be following up or inspecting as necessary. He believed that Canvus will have to file a yearly report to show how the money was spent for the intended purpose.

Mr. McBride asked if applying for and receiving this grant for Canvus would preclude the City from receiving other grant funding.

Mayor Jensen indicated that is the question the City always asks, and they made sure that this was not going to affect money that the City could have otherwise been awarded.

7. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 advised there is a concern from some residents that live on the western end of City as there have been some trains parked on the railroad tracks. She said Mr. Streator has been trying to contact the railroad and she felt those trains were becoming a safety concern for the residents. Mrs. Demaline stated there have been reports of people climbing on the trains and it is an unsightly nuisance, and it is close in the backyards of these residents. She asked Mayor Jensen if he would be able to help trying to get these trains moved or find some resolution with the railroad company.

Mayor Jensen advised Mr. Streator talked with the railroad company and they moved the railroad cars initially, but then they were moved back again shortly after. He said the trains are parked there because of the bridge work, but he did not know if Mr. Streator had any more information.

Mr. Streator advised from the different phone calls he had with the Norfolk Southern railroad they are not using that track right now so it is temporary storage for those train cars. He said that is the track that runs under the highway where the bridge is being replaced.

Mayor Jensen advised he will also reach out to Mayor Hunter. Since we share the border between Avon and Sheffield Village, he is sure that Mayor Hunter has the same concerns. He said Mayor Hunter has more clout than him regarding the railroad because he has dealt with them a lot longer and the trains go through Sheffield Village more than they do Avon. Mayor Jensen stated he will see if there is anything more that can be done.

Mrs. Demaline advised the train cars have been parked at that location since about Thanksgiving time. She felt that was a lengthy amount of time, so any amount of support was appreciated.

Mrs. Demaline advised with the upcoming recreational season and AED's (automated external defibrillator), she asked if there was an update of whether there are AED's in the parks and where are they located.

Chief Swope advised he is a big believer that AED's save lives and the Fire Department has staff that trains the City employed lifeguards and the Parks & Rec and other City employees, so they are very involved in that aspect. He said the Clare Harasimchuk, the Recreation Coordinator, would have to confirm how many AED's there are, but the Parks System does have AED's, and there is one at the Senior Center and one here in the Council Chambers of City Hall. Chief Swope stated the devices have to be protected from the weather so he was not sure how that would work in the parks, but it could be something similar to the Police Officers who each have one in their squad cars so that may be how the Parks System works as well, but he would have to confirm that with Ms. Harasimchuk. He assumed that the Parks System might implement a policy where if there is an event that there would be an AED present, but they do have several AED devices within the Parks Department and the Fire Department trains the Parks & Recreation Department employees with CPR and AED every year.

Mrs. Demaline asked Chief Swope if he could find out more definitive information on that and report back with the upcoming season throughout the parks. She said potentially there are AED's housed in the concession stands, but the concession stands are not always open. Mrs. Demaline advised she is anticipating this is going to be a more prevalent issue and she believes there is a need for it. She said she wanted to make sure this issue was on the forefront and that we are taking care of our residents.

Mayor Jensen inquired if Chief Swope was able to make sure the staff are all familiar with the locations of the AED's. He said there might be more areas where AED's could be located such as at the soccer fields and baseball fields, if there could be some kind of enclosure that they could be housed in. Mayor Jensen suggested there might even be some safety funds that would help purchase these devices.

Chief Swope advised he would look into that. He said they are electronically sensitive devices, but they are not new on the market so if other communities have been successful with providing them in their park systems in some kind of enclosure he would try to find out and report back.

Mrs. Demaline advised additionally, with the Spring coming she knows they have gone back and forth last year about who was going to operate the City concession stands in our City parks. She said Mr. Logan, the former Finance Director, brought it to Council in the past. She asked what the plan was going into this new recreational season for our concession stands at our parks.

Mr. Presley advised they are currently putting out an RFP (request for proposals) together for that. He said Mr. Gasior is reviewing it for final changes before it goes out for proposals so that the potential companies can provide a quote for the concession stands needs. Mr. Presley stated they have been working on that for a couple of weeks now.

Mrs. Demaline thanked him and said she looks forward to hearing more about it.

MRS. HOLTZMEIER, AT LARGE advised she appreciates Chief Swope's attendance tonight. She said it reminded her that before his tenure, Council used to get a monthly report from the Mayor on the number of Fire and EMS calls and other high-level metrics to them. Mrs. Holtzmeier stated that report has been missing and whether it was monthly, quarterly or bi-annually to give a sense of the Fire Departments' activity so that Council has some greater insight. She said they love having him before Council, but to be able to look at where we are at compared to the prior years was helpful.

Mayor Jensen advised that was his fault that the report has not been given in recent months because the Chief always provides him with a report, and he apologized and said he was the one to drop the ball. He said he would start providing that report again to Council. Mayor Jensen stated if there was something that Council wanted to know about the Fire Department in addition to that to let him know and he would find out.

Mrs. Holtzmeier advised there was no blame only praise, but they are a data hungry group and to have metrics was a good way to make decisions.

MR. MCBRIDE, WARD 2 inquired as to where we currently stand regarding regulating farm or barnyard animals and moving forward and having a couple of public meetings on the topic so that they can receive resident input.

Mayor Jensen advised there is something on an upcoming Planning Commission meeting. He said after Planning Commission makes their recommendations then it will come before Council. Mayor Jensen stated then Council can decide if they want to talk more about it or pass the recommendation from the Planning Commission.

Mr. McBride asked if the Planning Department was currently looking at the livestock regulations.

Mayor Jensen advised it is not on a Planning Commission agenda as yet, but it will be.

Ms. Fechter advised it is not currently on the Planning Commission agenda, but they have had internal meetings within the Administration. She said there is a resident that attends every Planning Commission meeting who has been suggesting about 4 or 5 renditions of the livestock Code and presented them to the Planning Department. Ms. Fechter stated they took those renditions from that resident as well as codes from multiple surrounding cities regarding livestock. She advised they plan to come back with some suggested changes to Avon's Code and look at the Special Use Permit as the vehicle by which residents will get approval for any proposed livestock on their property so that the City can decide on a case-by-case basis what to allow as each circumstance is different. Ms. Fechter indicated they plan to ask the Planning Commission to make a recommendation to Council to approve their suggested changes to give the City better oversight and the ability to monitor this use as it comes before them. She said a draft would be presented to the Planning Commission in February and then bring it forward to City Council.

Mr. McBride advised he would like to see a copy of the proposed recommendations once they are presented to the Planning Commission.

Mayor Jensen advised he wanted to remind Council that this is the first time this kind of issue has ever come up that he was aware of going back since he served on City Council or since he has been Mayor and he does not believe the City wants to get overly involved. He clarified that the issue of chickens was brought up years ago and that lasted for a few weeks. Mayor Jensen said they do want to take this issue seriously, but we want everyone to realize that this is not something that comes before the City very often, and they want to be careful not to put too much structure in the Ordinance.

Mr. McBride said he is assuming that someone will reach out to a couple landowners in Avon such as Mr. Conant and others.

Ms. Fechter advised she has talked with Mr. Conant regarding this topic and there have been a couple owners of horses that have come to the Planning Commission meetings to speak on how they care for their animals. She said they have also looked into the Ohio State Agricultural Extension Office and their best practices for caring for animals and how much land is needed and various things of that nature.

Mr. McBride indicated he agreed that he does not think the City wants to go too strongly one way or the other but use our common sense. He said we want a Code that we can take action if need be, but he felt they also want to temper that with some good common sense practices.

Mayor Jensen advised as they know, the Special Use Permit portion also regulates patios and outside music so that they can be brought back if they are not abiding by the intent of the Special Use Permit. He said also with a Special Use Permit, both sides can be heard and discussed, and the City has adjusted criteria based on those comments. Mayor Jensen felt the City should have the ability to say that something is not working and that the property owner has to come back before the proper public body for review. He stated for the most part, he felt people would do the right thing.

Mr. McBride advised regarding Special Use Permits as there was an interesting article recently about a restaurant where their drive-thru was backing up onto the street. He said the Special Use was revoked and the facility had to be torn down and start over and that was legally upheld. Mr. McBride stated he did not remember the City, but he would try to find the article and forward it to everyone.

MR. MOORE, WARD 3 advised he just wanted to raise awareness on the texting and driving Ordinance that is on the books. He said he was driving around town the other day and he saw someone holding their phone on the steering wheel and texting while driving. Moore stated he does not know what the statistics are, but when the weather breaks and people are out and about more, and he asked that law enforcement keep an eye on that issue before someone gets hurt.

Mr. Streator advised he would do that and with the State law changing, Avon's officers were aware of that as well.

MR. RADCLIFFE, WARD 4 suggested people visit the newly renovated library in Avon if they have not already. He said he was part of a tour of the library the other day and it is a very nice facility and quite the improvement and the residents are really going to enjoy it.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE agreed that the newly renovated library exceeded his expectations. He hopes everyone would take the time to visit and see the upgrades made. He said he still has a couple children in Avon Schools who will be able to enjoy it and while he wishes they had it years ago he believes everyone is going to love it.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR advised as Council is aware, they went out to bid for the HVAC system at the stadium. He said the bid opening will be this coming Thursday. Mr. Streator stated that, in working with the engineer the City hired to run the project for us and due to the time constraints in the contract, he was asking for Mr. Fischer's permission to add that legislation to next Monday's agenda for Council's consideration of approval. He said if they wait there could be issues getting the equipment and the work completed before the baseball season. Mr. Streator advised he hoped to have all the information in Council's packet on Friday for their consideration prior to the vote next Monday.

AUDIENCE:

There were no comments from the audience members.

8. EXECUTIVE SESSION: 8:28 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate, and the vote was: Mrs. Demaline, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chairman declared the motion passed.

9. RECONVENE: 9:06 p.m.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to Reconvene the Work Session of Council, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mrs. Demaline, "yes"; Mr. Fischer, "yes".

The vote was 7 for and 0 against and the Chairman declared the motion passed.

10. ADJOURN: 9:07 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