

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MARCH 4, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Tony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

The following items were considered in this Work Session:

1. [ORDINANCE NO. 24-19](#) – REZONING A 3.0 ACRE PORTION OF A 6.1419 ACRE PARCEL OF LAND LOCATED AT 35765 CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-016-104-047 FROM O-2 PLANNED RESEARCH OFFICE PARK TO O-2/C-4 PLANNED RESEARCH OFFICE PARK/GENERAL BUSINESS DISTRICT OVERLAY Planning Commission Referral
PUBLIC HEARING TO BE HELD ON MONDAY, APRIL 8, 2019 AT 7:25 PM

Ms. Fechter advised the parcel in question is the parcel in front of Wickens Herzer Panza, the Law Office on Chester Road. She said Attorney Brian Bonham is present and is a representative for Avon Legal Ltd., the property owner for Wickens Herzer Panza. Ms. Fechter explained a lot split was approved in a Planning Commission Meeting last month and Mr. Bonham can update Council on their plans for the parcel regarding the rezoning request.

Attorney Brian Bonham stated that the map on the overhead screen shows the lot split that was before Planning Commission last month. He said the whole parcel is a little over 6 acres and the Wickens Herza Panza building is in the back portion of the lot and they are splitting the front 3 acres and are under contract to sell that and as part of that they also are seeking to rezone from an O-2 to an O-2/C-4 overlay. Mr. Bonham stated the intent is to have office, but also have a commercial or retail component to go along with that use and that is what is necessitating the rezoning to add the C-4 overlay. He noted their request is consistent with the master plan in the sense that the property to the east is C-4 with an O-2 overlay and the rest of the zoning in and around SR8 is typically C-4. He stated that Avon Legal very much wants to see office space go in and that is the plan to have additional office space at this location. There have been numerous discussions with the buyer and develop on that issue and the reason, they are before Council tonight to ask for the rezoning.

Mr. Mickey Mann of Detroit Road in Sheffield Village, representing the buyer in the development team, advised that Council could see on the overhead their concept plan from KS Associates. He said in the back they could see a 10,000 sq. ft. office/retail mixed use component and the front was approximately a 3,000 sq. ft. outparcel pad site. Mr. Mann advised they would market the front parcel as a retail and the back would be mixed use.

Mr. McBride asked if the proposed structure would be a single-story wood framed building with a masonry exterior.

Mr. Mann advised the back structure they want to make compatible with the Wickens Herzer Panza current building and that is the basic blueprint from where they started. He said they are looking for a 10,000 sq. ft. footprint that would be three stories and they are targeting a first-floor retail and the above two stories would have the office component. Mr. Mann explained there would be a masonry exterior on the first floor and then a potential glass/steel structure on the upper floors.

Mr. Witherspoon asked if Wickens Herzer Panza is a three-story structure to which that was confirmed.

Mr. Fischer asked if they knew what type of retail was anticipated at this location.

Mr. Mann said they do not know as this is their first step and then they would be aggressively marketing the property should this rezoning request get approval.

Ms. Fechter advised that those from Wickens Herzer Panza and the Avon Realty Group have a list of requirements of their own. She said they are very conscientious about what will be located in front of their facility and so they have a prior step that the development has to go through prior to coming to the City to make sure it meets the qualifications that Wickens Herzer Panza is looking for.

Mr. Butkowski said it was mentioned that the back is going to be mixed use, retail/office and the front pad would be retail. He asked if they will be preventing competing retail establishments from occupying that space or what kind of marketing would they be doing for that front pad.

Mr. Mann advised that they do not want their tenants competing against each other and it will be a requirement. He said they could look at it as a two-phase project as the front phase, the retail component closer to Chester Road, he could see it moving as they market the back piece, but they would be non-competing.

Mayor Jensen advised they have talked about this area so much as far as the development of the retail part of it. He said it is a little scary since there is so much retail coming to that area, but this is really a way to help offset some of that. Mayor Jensen felt that to have the zoning overlay really helps the City and he believes the group from Wickens Herzer Panza understands what the City is looking for and is working to try to accomplish that. He said the City is not against mixed use in the commercial districts, but they are still very reluctant of any kind of mixed use in the residential districts.

2. ORDINANCE NO. 25-19 – GRANTING A SPECIAL USE PERMIT TO THE RUFF CARLTON, LLC TO AUTHORIZE THE USE OF ANIMAL BOARDING FOR THE PROPOSED LUXURY DOG HOTEL AND DAYCARE TO BE LOCATED AT 1290 CENTER ROAD Planning Commission Referral

Ms. Fechter advised this is a positive referral from the Planning Commission and is a proposed dog hotel boarding facility. She said when the owners were at the Planning Commission meeting they were still working on their concept plan. It was noted, the owners plan on taking over the existing Advance Auto store on Center Road and what they are proposing on the west side of the building is a fenced in lot for the dogs to be outside during the daytime.

Mr. Michael Coutris introduced himself and his partner Chas Shramek of the Ruff Carlton, LLC and stated that they were proposing a luxury dog hotel and daycare center at 1290 Center Road. He said what Ms. Fechter referred to is eliminating seven parking spaces on the exterior of the northern side of the building in order to have a fenced in area for the dogs to be able to come in and out of the building during daycare hours only and that is the only modification they plan for the exterior of the building. Mr. Coutris advised on the interior of the building there would be a reception area, grooming area, office spaces and on the other side of the building there would be small, medium and large dog rooms, which will be the daycare rooms. He said there would also be a kenneling area and an area for storage in the back and standard bathrooms. Mr. Coutris noted, it would be constructing walls and interior improvements.

Mr. Shramek explained that the outdoor fenced in area would have 6' vinyl privacy fencing and that would be the outdoor space where the dogs could be outside during the daytime hours and the reason they need to eliminate seven parking spaces. Ms. Fechter added that area is on the north side of the building and that the front of the building faces SR83 and the fenced side faces Goo Goo Car Wash.

Mr. Witherspoon asked if the dogs were able to go out to this fenced area on their own accord.

Mr. Shramek advised during daycare hours there is going to be an employee in each of those rooms that will let

the dogs in and out noting that the dogs can not go in and out on their own.

Mr. McBride asked if they would be raising those former parking spaces up to building grade and would not just be drilling fence post holes and installing the fence.

Mr. Shramek stated they would be raising up the area and have a filtration system underneath and add some asphalt and so forth.

Mr. Witherspoon asked with regards to noise if there are controls over the dogs barking or how is the noise made by the dogs handled.

Mr. Shramek stated that the interior of the building will have noise reducing paneling, so the inside noise is pretty well contained especially when all the doors are shut. He said the outdoor fenced in area may have some noise, but they have spoken with numerous dog car facilities in the area and so has Ms. Fechter. For instance, he said that in Avon Lake, Paws on the Lake has residential much closer than this site and they have not had a single complaint and they have been open for approximately 15-20 years.

Ms. Fechter said as a follow-up she made a call today to the Police Department as well as the Zoning Department in Avon Lake and Paws on the Lake is a similar business and is much closer to residential properties to see if they have received any noise complaints and they have not.

Mr. Fischer asked since they dogs cannot go out on their own if there is a set time where the outside space is closed. Mr. Shramek answered yes, that daycare hours are 6:00 am to 6:00 p.m. and anytime outside of that window the dogs would not be outside at all.

Mr. Butkowski inquired if this is going to be an overnight facility for the animals. Mr. Shramek answered yes. Mr. Butkowski asked with regards to that outdoor run, since they are proposing a vinyl fence and it would be an active parking lot, if there would be a buffer or some sort of prevention from a vehicle hitting it and knocking it over. Mr. Shramek stated they absolutely would take safety precautions as that is their asset.

Mrs. Holtzmeier said the same applies to that parking space that would be nearest the most eastern outdoor run if that could be buffered as well. Mr. Shramek assured her it would be. Mrs. Holtzmeier advised with the proposed fence being 6' in height she felt that might be a little too short as she would be more comfortable with a height of 7' at minimum. She felt that height of fencing would compare with some other facilities that have the same especially if there are cars driving next to it. Mrs. Holtzmeier stated the map indicates three separate entrances out to the run from inside the facility and she asked if the dashed lines meant there are exits from the fenced in areas to the parking lot area.

Mr. Coutris explained the dashed lined indicates the fenced area, but the fence would be completely closed off. Mrs. Holtzmeier reiterated the fenced area would be completely enclosed except for the entrance to the facility to which Mr. Coutris confirmed that statement to be correct.

Mr. McBride stated other than potential noise he did not have an issue with this request. He said it is located on SR83 and there are other businesses to the west and he did not believe there would be an issue. Mr. McBride advised he is sensitive to the issue of adding other commercial properties next to residential in his Ward, and that he felt was basically a warning to keep the dogs under control.

Mr. Witherspoon asked Ms. Fechter to explain the Special Use Permit.

Ms. Fechter advised that what Councilman McBride is referring to is that if they are granted a Special Use Permit for this use and at any time there is a complaint about noise or any problems whatsoever that Council can bring you back to put different stipulations on this Special Use Permit. She said that is what we do for Special Use Permits because you are close to a residential district and it is a unique Use that this body has the ability

to put extra requirements on that they may not for other uses. Mr. Coutris and Mr. Shramek both said they understood.

Mrs. Holtzmeier said one thing they do not think enough about in this map is where do you have your refuse.

Mr. Shramek stated on the west side of the building there is a dumpster area and they will have special waste containers and a service that would come daily or every other day to pick up the dog waste. He noted they were still finalizing some of the logistics, but certainly the waste is going to be specially removed from the facility.

Mrs. Holtzmeier asked if there is an existing construction for a commercial unit for trash disposal and then separate from that disposal of the dog waste that is generated to which Mr. Shramek confirmed that to be the case.

3. ORDINANCE NO. 26-19 – TO AMEND THE SPECIAL USE PERMIT GRANTED TO THE CITY OF AVON/AVON FIRE DEPARTMENT FOR CONSTRUCTION AND INSTALLATION OF A 1280 SQ. FT., THREE STORY TRAINING FACILITY LOCATED AT 36185 DETROIT ROAD

Planning Commission Referral

Ms. Fechter advised the Fire Department is proposing a training tower in the rear of their facility and she turned the discussion over to representatives of the Fire Department who have come with additional information.

Assistant Fire Chief Mike Emling advised last year the department had approximately 3,260 runs and all but ten percent were medical. He said the EMTs/firefighters get training and practice for medical daily, however they do not have the facility or resources to train them in the fire aspect of their duties. Asst. Chief Emling stated that this proposed training tower will allow them to hone their skills for firefighting activity, rescues out of a building, confined spaces and allow them to rappel off the tower to simulate and practice those skills. He said they chose the location right behind the fire station for convenience as it will be easier for them to go on a call with all their equipment readily available at the station. Asst. Chief Emling advised they considered an off-site location, but they felt the impact of site preparation would make it cost prohibitive. He said there would be a limited amount of burning in the tower and the training would mostly entail blacking out their masks, crawling through the training tower, down the escapes and in the stairwells. He said the interior of the training tower can be reconfigured to layout almost any kind of floor plan that they might find in a house and the scenarios could be changed as needed.

Captain Mike Panehal, training officer of the Avon Fire Department, played a video depicting a similar training tower showing how it would be used by the Fire Department for training purposes.

Mr. McBride asked regarding the fires that would be set in this training tower if it was mostly for heat purposes.

Asst. Chief Emling advised with their NFP1403 guidelines they are only allowed a certain size fire in a confined space such as this to protect the firefighters and maintain the integrity of the drill and not have injuries. He said the smoke that would be seen coming out of the training tower would probably be less than that of a residential fireplace. Asst. Chief Emling stated this is a short duration drill with limited smoke exiting the facility. He indicated theatrical smoke would be the medium used most often.

Mr. McBride asked if the structure is truly three stories high to which Asst. Chief Emling answered it meets the ISO criteria for being a three-story structure. He said it is 36 feet high and is considered a three-story residential structure. Asst. Chief Emling explained Wickens Herzer Panza is a 45-foot high commercial structure.

Mr. Witherspoon asked if this is a manufactured product that the Fire Department is looking to purchase and place on-site.

Asst. Chief Emling answered they are shipping containers that are manufactured to their specifications as far as size and on the interior and it is assembled on-site. The beauty of this system is that it is impervious to any kind

of failure as it is not made of wood or concrete and there would be no spalling as there are special linings inside. If it should need to be moved, they can simply take it apart and move it to wherever they need it. Asst. Chief Emling advised they considered three sites, and this makes the best sense for now. He said that the bottom of the container is anchored to the concrete in answer to a question from Mr. McBride.

Mr. Moore asked how often they would be using this tower for training such as what time and how frequent per month.

Asst. Chief Emling stated that currently they have the capacity for 10 people per shift and as Captain Panehal has drills they might take an hour in duration at any given time. He said since they are trying to maintain their current ISO 2 rating they are required to do night drills as well as drills with their mutual aid companies. North Ridgeville, Sheffield Village, Avon Lake and Westlake could all come in for one drill, but they were not going to offer that unless required. Asst. Chief Emling advised they were not going to be burning every time they have a drill in this tower.

Mr. Moore asked if the training tower would be used once a week or once a month. He said he is assuming they would have the fire trucks out and hoses and other equipment.

Captain Panehal said they do that kind of training now, they just do not have the tower for putting ladders up against or go up and down stairs with the hoses, which is what they would be doing with an actual fire. He advised they train pretty much every day although they were not outside every day. Captain Panehal stated they would not have the training fires every day. That would be one aspect of what the training tower is used for out of a long list of training exercises as depicted in the video. He advised if they want the training to be under low visibility conditions, they have darkening inserts that can be placed in the masks where they cannot see out or they can be somewhat lighter where the firefighter has some visibility. They do not need the smoke all the time for the purposes of the drill.

Mayor Jensen stated that typically the firefighters would be doing something in that training tower every single day and it does not have to be burning, but it could be some form of training. He said one reason they looked at this location is they are always cognizant of overtime and Council controls that overtime, but also our safety levy does not fully sustain both Police and Fire Departments at this time. Mayor Jensen explained that anything above that levy amount comes out of the General Fund. He stated that the firemen are aware of all of this and ask what they can do to spend the least amount of money and still do all the necessary training and not have even more come out of the taxpayer's pocket. At this point, that is the location that makes the most sense and he concurs with the Fire Department. He added that later if there is a second station built, the training tower can always be dismantled and moved. Mayor Jensen said there has been some discussion to have this training tower located at the shooting range, but that would cause more manpower to be available on station.

Mr. Logan concurred that our Safety Forces income tax does not cover all our Police and Fire operating expenses.

Mr. Witherspoon asked what the outside of this training tower looks like after a year.

Asst. Chief Emling advised the training facility depicted in the video is used for burning regularly and it still looks pristine on the outside. He said when researching this project, most facilities they looked at were in southern Ohio, but they were located within a Fire District, which is many small Fire Departments responding as one unit. It is almost like a county type response situation and they burn in these training towers quite frequently and he felt it still looked like it just came out of the factory. Asst. Chief Emling explained it is not like in the past when Fire Departments had concrete structures that had soot on the outside as they are not allowed to put that large of an amount of fire into this training tower. The fire is going to be very small volume-wise.

Captain Panehal noted they are only allowed to burn pallets and straw by the NFP standards.

Mr. Radcliffe stated it was mentioned that sites were considered, and a cost analysis was done comparing travel time and overtime and the like and he asked if he could get some of those numbers to see what that delta is. He believed the concern they have heard from residents is that this proposed training tower is going right at the center of an area where lots of people will be with the new pool, the new playground, the walking trails, and the new Veterans Memorial where people may want to sit and reflect. Mr. Radcliffe advised he fully supports the training and getting it done on station, but he would love to know the math and the delta for what the second option is for finances versus this proposed location in order to study the options.

Mayor Jensen advised they could provide those figures. He said if there is something that you can use to train every single day from the standpoint of what Council allows the Fire Department to do, there is going to be a cost to any time you bring more people in. Mayor Jensen stated they could work on it over this week with Mr. Logan and Captain Panehal to provide all the figures, but the one thing that is not in there is that when you are able to do something every single day it makes a difference.

Mr. Radcliffe agreed.

Chief Frank Root, III apologized for being late and advised in looking at the site plan the training tower would be hundreds of feet from the rigs. He said to have the ability to train with no overtime costs involved and have the rigs in service at a moments notice and they pride themselves on the culmination of the ultimate fire training tower possible.

Captain Panehal stated when they have trained at other sites, they will take one squad and a fire engine, but if there is one call and the other crew leaves, they cannot continue training because they do not know the next vehicle that will be needed. He said they have to go back to the fire station, so they can take the ladder truck or the rescue truck back. As soon as there is one run, the training stops. If it was on-site they could continue training, and if there is another run they would just have to lay their tools down and go on the second run.

Mr. Radcliffe advised he completely agrees with all of that and he felt it is a balance between what is best for the taxpayers for their money versus aesthetics for the City. He said it is just a numbers thing to look at and to study. It is just an open discussion point.

Mr. Witherspoon asked if they were set on the red exterior color of the training tower.

Chief Root said it could be painted pretty much any color to try to blend in more with the surrounding environment such as matching the brick color of the fire station exterior.

Mr. Butkowski advised it was mentioned that in maintaining the ISO 2 rating they would have to work with some of the mutual aid departments. He asked if they would bring those departments to the Avon fire station and what equipment the other departments would be bringing in.

Chief Root advised in discussions with Mayor Jensen this morning, that is something that would be tabled for the foreseeable future, so we could remain a good neighbor to the park, the pool, the Police Station, the Post Office and surrounding neighborhood. He said the training tower would be strictly for Avon Fire Department personnel only.

Mr. Fischer said it was mentioned that they would be training while on duty and the video seemed to show that it was intense training with hoses, full uniform and the like. He asked if response times would be positively affected when a call is toned out, which would help the ISO rating.

Captain Panehal stated that while they were holding training he would have one group going through the drills while some were kept ready to go on a run. He said if another run is called out and the training was involving something intensive then the training could be stopped, and they could go in the station and get ready for a run.

Captain Panehal advised they would not have everyone participating in the drills at the same time, that there would always be a crew ready to go on a run.

Mr. Fischer asked if there was any opportunity for educational awareness for the public or was it only for the Fire Department personnel.

Asst. Fire Chief Emling stated he did not see a reason why they could not open it for tours. He said there are many tours of the station held throughout the year and he felt this is one more thing that they could show off and take people through. Asst. Chief Emling said they had the smoke trailer for the schools and that was something the schools utilized that was mobile. He advised they still get a tremendous amount of tour requests through the station and they could make the training tower available. Asst. Chief Emling personally felt the tower is very safe and he would have no problem with children going through it as it is made for the safety of those going inside.

Mrs. Holtzmeier asked with that ISO rating of 2 and knowing that training is a big component of that if having that training facility on-site or in town would help that rating go to an ISO 1 rating.

Asst. Chief Emling said it would. He clarified that it would not get the department to an ISO 1 rating right away, but it would solidify their ISO 2 rating.

Mrs. Holtzmeier asked if that solid rating or an even lower rating could ultimately translate into perhaps lower residential property insurance or lower commercial property insurance.

Asst. Chief Emling answered that it would lower the commercial insurance for sure, but he was uncertain about the residential property insurance. He said the only thing holding them back from a lower ISO rating is an additional station and additional manpower.

Mr. Moore advised he has received multiple calls regarding this training tower and he asked if they could do three readings of the legislation as opposed to passing it on emergency. He said he would like to echo Mr. Radcliffe's comments in light of some residents contacting him and for him to know some of those numbers would give them time to digest that information.

Mr. Witherspoon said they could go three readings to make sure everything is ironed out. He recognized that there were people in the audience who may wish to comment on this topic and he invited anyone present to come forward and speak on the matter, if they wished.

Mr. Loren Easterday of Holly Lane advised he sent Council a letter on this issue already, but he had a few more comments to make. He said the firefighters have said that they have done quite a bit of their training at their present facility leading him to believe that they could continue doing some of that training inside and then do the fire tower training off-site. Mr. Easterday agreed they would not be able to train off-site every day, but he felt that off-site option was a possibility. He said the firefighters have stated that there would be no addition in response time and he questions whether that is true, but it is something he does not have an answer to and Council will have to answer that question. Mr. Easterday said he was put off by the comment regarding training by other fire companies and how much equipment they would bring into a fairly congested area. He stated that area is heavily used with the post office and park systems near there. The fire towers that he has seen have never been located in the center of the city, an area that is supposed to be the focal point of the City. Mr. Easterday said certainly this Council and previous Councils have built this area to be a focal center of the City with three public buildings in the Western Reserve style and the aquatic center, the historic walking trail, the library walking trail, the upcoming Veterans Memorial and he did not know if there were still plans of City Hall eventually moving into that area. Mr. Easterday said his feeling is that a stack of five or six shipping containers is not what he wants to see there. It is not what they want visitors to see. It is not what several residents want to see there. He stated they could paint murals on it or paint it pink or you could put camouflage netting over it, but it is still going to be an industrial building in an area that is supposed to be a focal point for the City. He said he would end with the words of a previous Mayor who very candidly said, "you cannot polish a turd".

Mr. Mike Wagner of Holly Lane asked how many other cities have these training towers. He asked where the closest training towers are located. Mr. Wagner said if this is such a great thing to have he asked why more cities do not have them. He asked if there is opportunity for our firefighters to train somewhere else and he asked why Avon was taking this on. Mr. Wagner advised he does not feel the location is particularly great as they are going to put a memorial directly opposite of where this tower is to be located. He felt the training tower is going to be kind of an eyesore and it is not in the Western Reserve style and the artists rendition is probably not quite accurate. Mr. Wagner said that three shipping containers would most likely stand up a little higher than what is being shown and you would most likely be able to see it from Detroit Road especially if there is smoke coming off the top of it at various hours of the day and night. He does not feel this location is the appropriate place to put this training tower.

Mr. Joe Misencik of Holly Lane said he is one of the first neighbors adjacent to this area that includes the Post Office, Fire Department, Police Department, the Aquatic Facility and the like. He wanted to say to the Fire Department and the Police Department that he understands what they go through for training when it comes to confined spaces as he is trained in an industrial situation as he is in the Brotherhood of Carpenters. As well as being fitted for oxygen when above a 42" gas line at a steel mill and he understands it is hot and a requirement and it is not comfortable. Mr. Misencik advised he truly understands training, certification and qualifications because without it, he does not work. He said it was explained regarding a Special Use Permit and how some things can be altered through citizens and property taxpayers in regards to noise. Approximately 250' from his property line is a structure at the Aquatic Facility similar to the height the Fire Department wants to build, which is apparently standard size for a training tower, and he hears it every morning in the summer at 7:00 am when there are swim meets and PA systems. Mr. Misencik stated he usually goes over and asks if they can turn the volume down as it sure is annoying and the only day he gets to sleep in because he works six days a week. He said the structure proposed for a training tower are shipping containers and are corrugated structures that can be staked. At the steel mill they do not keep any flammable substance in it and you cannot smoke or have any open flame inside of it because the floor itself is wood. They all use a similar design of corrugated steel and over time those steel structures do not look so pretty regardless if they are on the ground or elevated. He said in the south, such as Alabama, he has seen these fire structures and the brick ones he saw were charred and looked like something out of WWII and it was not eye appealing. Mr. Misencik said the structure the Fire Department wants to build is in a zone called French Creek District and his brother-in-law is on the review board for any kind of structure that would be proposed for this area and he found out about it in the newspaper without a professional courtesy given to him regarding what was proposed to happen. He asked that this Council consider putting this industrial structure in an area such as near the railroad tracks where it would not affect the residents by noise and smoke. Mr. Misencik felt that children swimming at the pool might be frightened if they see fire and hear yelling and see lights and fire hoses and the same for those dropping off mail at the Post Office. He felt that Avon could do better than this and he agreed this is something that is needed, but not in that area. Mr. Misencik was curious where they went for this type of training previously as he felt they had to go somewhere for the firefighters to get certified. He again asked Council to seriously consider the location for this training tower and said he does not appreciate the noise that is already in this area and he felt it was already too congested. Mr. Misencik stated on Detroit Road from 4:15 to 5:45 pm each evening, motorists were going to wait in line just to make a move as it is very congested.

Ms. JoAnne Easterday of Holly Lane advised that Assistant Chief Emling said that the proposed idea to have outside Fire Departments come to Avon would be tabled. She said she served on this Council and she knows how that works and when people were not looking it was going to happen. Ms. Easterday said to consider if you are traveling east on Detroit Road and want to turn left to go to Avon Lake at SR83 that you frequently have to wait three light cycles. She stated if out of town Fire Departments come, there would be more and more trucks there and there is backup of traffic at SR83 through the intersection of French Creek Square and then it goes into the left lane to keep straight so that even those who want to go to Avon Commons are backed up. Ms. Easterday felt that what our Fire Department is trying to do in training is excellent and vital and is a must, but that is not the right site for it. She believes that is why Mr. Burik was not even considered when this plan was brought forth and was not given information about it.

Ms. Fechter explained that Mr. Paul Burik is on the City's Architectural Review Board and it is her understanding that Mr. Burik is notified when a project takes place in a C-2 Zoning District. She said in this situation, the Fire Station is in an R-1 Residential Zoned District and the reason it did not get sent to him for review. Ms. Fechter advised she communicated with Mr. Burik through email and she apologized for him not getting the information, but as she understood it, it only gets sent out for review in a C-2.

Chief Root advised the training that we will be able to do is training that our firefighters have not had since they completed fire school and that could stem from a year to many years. The closest training tower is in Elyria Township and it is very impractical for them to be able to use as it would have to be strictly on overtime. He said part of the reason that they would like to have one when other departments do not is that they strive to be the best Fire Department that they can be. Chief Root stated if they say they are not going to have other fire departments here then we are not going to have other fire departments here unless we came to an agreement with the Mayor and Council to invite other departments. He takes offense at hearing they would do otherwise. Chief Root advised the other thing he takes offense to is calling it a "turd" when a "turd" is not something that trains you to help save lives. He said the firefighters' lives, the citizens' lives, and for the betterment of the City of Avon is not a "turd" in his book.

Captain Panehal stated they have done drills inside the Fire Station, but it is not really meant for training as there is not a good place to practice on a ladder. He said if they go up on the roof they would end up damaging the roof. Inside bays houses all the HVAC equipment, electrical panels, phones and outlets. Captain Panehal advised he has had firefighters spray water with a hose through the doorways, but it knocks stuff off tables and the like. He said when they black out and do rescue drills, the firefighters were trying to crawl under vehicles and they hit exhausts and such. He said it is not a place where they can train and not damage something.

Asst. Chief Emling advised they as a department are very cognizant of the busyness of that area. They know better than anyone what it takes to get out of there at various times and they understand the loading of that area. He said they have an isolated parking lot that they can control, and their frontline equipment will stay in service and still be able to respond to calls. Their backup equipment is going to be at the ready and they would take limited equipment from the backup supply. Asst. Chief Emling stated this is mainly to do a lot of interior evolutions, training for the team and get them familiar with being in an unfamiliar situation.

Mr. Fischer asked if there is plumbing inside the training tower. Captain Panehal explained in the video it showed a sprinkler head and they would have to hook a hose up and charge that from their fire engine. Mayor Jensen clarified to some degree it does have plumbing for attaching hoses like a standpipe. Captain Panehal corrected himself by saying it has plumbing, but it does not have water; it would have one pipe going up the side and one pipe coming off that for the sprinkler head.

Mr. Moore asked for clarification that it would not have smoke blowing out from the top or anything like that because the video was milder than what he had envisioned.

Chief Root stated that was a great point and that he has also seen those charred burning towers and Assistant Chief Emling and Captain Panehal and himself are all fire service instructors and he and Captain Panehal worked for Tri-C Fire Academy. He advised when burning material other than Class A combustibles they were going to have that soot and that build up and that apocalyptic look to the structure. Chief Root explained this training tower has a metal sleeve inside that makes it so the metal does not warp and does not get filled with soot. Any kind of soot that comes off of a Class A fire can probably be washed down immediately afterward. He said they are strictly prohibited by the NFPA from burning anything other than Class A combustibles.

Mr. Misencik felt consideration should be given to the height of that tower structure although he realizes the Fire Department needs it for proper training. As he said before he is all for training and certification, but the aesthetics of the physical structure is not appealing especially from his backyard. If it has to be he said maybe he should have the City put up a 20' green fence so he does not have to look through anything any longer. Mr. Misencik

stated it appalls him that there is no consideration or thought process or comment given to Holly Lane, but the residents on SR83 heading south from Detroit Road as he felt those residents would be exposed even more so than him depending on the wind shift. He said he does not want soot or smoke of any kind as he is already breathing using a machine at night. Mr. Misencik said he really wants them to consider what they are proposing, and he agreed training is crucial and our Fire Department does a dynamite job and our Police force is phenomenal. He asked Council to be considerate of the location and the people of the City and we need to consider our youth who are our future.

4. [ORDINANCE NO. 27-19 - TO CREATE THE PART-TIME AND UNCLASSIFIED POSITION OF SENIOR CENTER TRANSIT DRIVER/CDL AND TO ADOPT THE CLASSIFICATION SPECIFICATION FOR SAME](#) Mayor Jensen

Mayor Jensen advised they purchased the bigger bus and we need someone with a CDL to drive it and we are adding that position.

5. [ORDINANCE NO. 28-19 - TO ESTABLISH COMPENSATION FOR THE PERMANENT, PART-TIME, UNCLASSIFIED POSITION OF SENIOR CENTER TRANSIT DRIVER/CDL](#) Mayor Jensen

Mayor Jensen advised this goes along with the previous item and we are adding compensation for the position.

6. [ORDINANCE NO. 29-19 – TO ESTABLISH COMPENSATION FOR THE PERMANENT, PART-TIME, UNCLASSIFIED POSITION OF GENERAL CLERK \(PARKS\)](#) Mayor Jensen

Mayor Jensen advised we have had this position in place and he deferred to Mr. Logan to elaborate.

Mr. Logan explained this is a general part-time position and it could fit almost any general clerk position and not just parks. He said there is no one in that position at the moment and he believed the rate of pay was \$9.88/hr and they wanted to get the rate up to be more commensurate with where it should be today. He stated the Ordinance will set the pay rate at \$13.75/hr. Mr. Logan advised the idea is that there is someone they would like to put into that type of position in the Parks Department and it is part-time.

Mayor Jensen explained the pay rate would parallel any of the other positions in any other department.

Mr. Logan advised this position was not part of the normal pay increases each year as no one has filled this position for quite some time.

7. [RESOLUTION NO. R-5-19 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT \(RUTH ANN KELLER, TRUSTEE\)](#) Mr. Witherspoon

Mr. Witherspoon advised a Public Hearing would be held on Monday, March 11, 2019 at 7:25 pm.

8. [RESOLUTION NO. R-6-19 – TO ADVERTISE FOR BIDS FOR THE KINZEL ROAD PAVEMENT RESURFACING PROJECT](#) Mr. Cummins

Mr. Cummins advised as part of the 2019 pavement program they are looking to do a resurfacing of Kinzel Road, a very similar type of project to what was done on Jaycox Road last year. He said once the bids are secured they would be back before Council to make a recommendation before moving on to any type of construction contract.

Mr. Radcliffe asked if this will be a mill and fill and packing of the berms to which Mr. Cummins confirmed that to be correct. Mr. Cummins advised the western end was already approved and they stopped just short of the Stoney Ridge intersection. At the eastern end they were starting to look at doing traffic signal improvements

there so they will stop just short of SR83.

9. RESOLUTION NO. R-7-19 – TO ADVERTISE FOR BIDS FOR THE PARKVIEW DRIVE PAVEMENT RESURFACING PROJECT Mr. Cummins

Mr. Cummins advised this is Parkview Drive off of Schwartz Road and is a concrete street and it will be getting a treatment very similar to the Lilac Lane and Violet Court area. He said they will grind the surface and make base repairs and put an asphalt pavement topping on it. He said we will go out for public bids and it come back before Council to award a contract before any type of construction will take place.

Mr. Radcliffe said that road is pretty deteriorated, and he remembers with the Lilac streets project that there were sections that were more deteriorated than what was originally thought. He asked if they anticipate that being a problem for this road.

Mr. Cummins stated they do. He said a member of his staff walked Parkview Drive with Mr. Loeser, Superintendent of Streets, and they increased the amount of base repairs anticipated based on what Mr. Loeser felt would be appropriate. He confirmed the road is very distressed and there will be a lot of base repairs, but they believe they have enough in the contract as we have it now.

Mayor Jensen advised the more streets we complete we are understanding better where more repairs are needed. He agreed the street is really deteriorated and it is surprising those residents have not been to a Council Meeting to ask for their street to be resurfaced, but he felt they would be pleasantly surprised that we will be improving their street.

10. RESOLUTION NO. R-8-19 – DECLARING THE NECESSITY TO IMPROVE (I) FRENCH CREEK ROAD BY THE CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (II) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO; Mr. Cummins

Mr. Cummins advised he mentioned this project last week and letters were sent out last Friday to residents that we will be having a Public Meeting regarding this project on March 18th here at City Hall. He said as stated this is a sanitary sewer improvement project and there is an existing pump station that requires continuous maintenance and this project would remove that pump station and install a gravity line to take that flow and deliver it to a current gravity connection point. Mr. Cummins stated the project is a partial assessment project and there will be 36 properties along French Creek Road that do not currently have a sanitary sewer in front of their property and do not have a sanitary connection and they will see an assessment as a part of this project. He said this is the Resolution of Necessity and they would like for this to go at least two readings to get us beyond the informational Public Meeting on the 18th to see if there are any comments and he would be happy to answer any questions.

Mr. Butkowski asked for clarification for those residents that are being assessed what that term looks like for their assessment.

Mr. Logan advised the estimated cost for each of those 36 properties would be a total assessment of \$6,393.54 payable over a 20-year period with some interest and the County charges a small administrative fee for placement on the property taxes or all upfront with no interest. He said the City does not plan to borrow any money externally for this project so this assessment portion which totals approximately \$230,000 would be financed through the City's sanitary sewer replacement and depreciation fund.

Mr. Butkowski asked if that \$6,000 also include the sewer tap-in fees. Mr. Logan answered no, the tap-in fees are additional.

Mr. Witherspoon asked if we have received any phone calls from the affected property owners yet.

Mayor Jensen advised a couple residents came in to City Hall asking about it. He believed the fear was that it would be similar to the cost of the Elizabeth, Joseph and Puth sanitary project which is a considerably higher assessment. Mayor Jensen said some of the property owners may not think the assessment is reasonable, but it is compared to the cost of getting sewer to a property on your own and it is a fair cost.

Mr. Cummins added that the cost of the sanitary portion is approximately \$1.1 million project and the portion being assessed to those property owners totals just over \$230,000 and that is a pretty good bang for your buck.

11. REPORTS AND COMMENTS

MAYOR JENSEN advised he wished the residents that were here earlier would have stayed until this portion of the meeting, but he felt what is very disheartening about some of the statements that were made is when talking to the Fire Chief, the Assistant Chief and the Captain all they have ever done their whole career is try to do what is best for the residents. He said he is disappointed in their comments even though he knows that the passion is for something, but to him it felt almost like a personal attack against him and the Fire Department leadership. Mayor Jensen stated with everything, they have the taxpayers in mind and there is nothing any of them would ever do to put any resident in harm's way, even while training. He said he could not stress enough that the smoke was so insignificant and for someone to make the statement that it could possibly hurt a resident in close proximity, the Fire Department would never even contemplate something that would be harmful to residents and they would never do something if there was even the risk of harm to residents. Mayor Jensen advised they have also been in contact with Kerry Barvincak and the VFW to let them know of the intent with this training tower and the placement of the training tower structure has even been adjusted to go along with the plans for the Veterans Memorial. He indicated he understood the passion that people have, but to claim that Council would do something unethical was unfounded. Mayor Jensen said he served on Council for eight years before he became Mayor and they have never tried to sneak something in after the fact. He stated for claims to be made that if we said we were not going to do something and then for us to do anything other than that was disheartening. The Fire Chief stands behind his reputation and can walk away proud that he abided by everything that would make the City a better place. Mayor Jensen said it is hard for him to sit and listen to criticism and then dwell on it and think that it was anything beyond trying to make the Fire Department better and trying to prepare the firefighters in case of an emergency and he knows they would go to any house of anyone present tonight or otherwise and do so in a professional manner when called upon to help save lives. He advised the more tools they can provide the Fire Department to be better prepared for emergencies he felt was the goal although he understands the passion of not wanting something, but to add hurtful statements felt like an attack on them personally.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE had no comments.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 advised he noticed some wind damage to a couple properties on the north side of I-90 on Chester Road. He said one is the low budget motel that has some extensive roof damage and the other is some missing pieces of siding on the south exposure along I-90 of the apartments. Mr. McBride felt it was most likely out of sight, out of mind, but said for anyone driving by who knows this is Avon, it looks terrible.

Mr. McBride said as far as the fire training tower, it reminds him of the big to do over EMH putting in their emergency room. He stated there was screaming and hollering that they did not want that helicopter landing pad in their neighborhood. Mr. McBride said back when he served his first term on

Council he did not want to run for re-election and he indicated it was a tumultuous time. He advised that after the ER went in at EMH, there were not the issues that were initially purported and residents in his neighborhood were thanking him a year later. He said he felt it is the same with the fire training tower. It will ruffle some feathers, and no one likes change but it is the right thing to do. While he does not like everything that has been put in to be in his neighborhood, it is what you get when you live in a City.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

MS. FECHTER, ECONOMIC DEVELOPMENT /PLANNING COORDINATOR said she wanted to follow-up on the comments about the Architectural Review Board and she reminded everyone that they do not send out for review unless it is in a C-2 Zoning District and the City was not intentionally leaving that step out of the process. Ms. Fechter advised she provided an email to Council to be placed into the record of Mr. Burik's comments, as he did a review on his own.

MR. GASIOR, LAW DIRECTOR had no comments.

MR. LOGAN, FINANCE DIRECTOR advised Susan Poole of CRS is stepping down from her position as Executive Director as she has accepted another position outside that organization. He said he had a great working relationship with Ms. Poole and CRS is a great organization that is good for Avon and Avon Lake. Mr. Logan is hopeful that CRS will find someone just as competent as Ms. Poole.

AUDIENCE:

No comments were made from the audience members.

12. ADJOURN: 8:55 PM

There being no further business the Work Session of Council was adjourned.

PASSED: _____

SIGNED BY: _____

Craig Witherspoon, Council President

ATTEST: _____

Barbara Brooks, Clerk of Council