

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MARCH 18, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:35 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
Second of Three Readings at Regular Meeting on Monday, March 25, 2019
PUBLIC HEARING TO BE HELD ON MONDAY, APRIL 8, 2019 AT 7:25 PM
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
Second of Three Readings at Regular Meeting on Monday, March 25, 2019

Ms. Fechter added that in the packet there is an Exhibit A to Ordinance No. 25-19 and in working with the Law Director on concerns by Council and others they have added some additional restrictions to this project. The applicant has gone over those additional restrictions with the Law Director and is in agreement to those restrictions. She asked Council to look over the restrictions before the third reading to see if there are any additional changes.

Mr. McBride asked if there is a reason this needs to go three readings rather than passing it at the next Regular Meeting.

Mr. Witherspoon felt they were proceeding with the three readings to allow time to iron out the details.

Mr. Gasior advised the ownership of property has not yet responded to him. He said that Mr. Shramek and Mr. Coutris are partners who are renting the building. Mr. Gasior stated there is a Delaware Holding Trust company that is the actual owner as listed in the title of the Ordinance, but he still has not received confirmation from them that they know what is going on here. He felt it is safe to assume that the owners are aware, but we should never assume anything. Mr. Gasior advised the main reason he asked the Council President to declare first reading was because he wanted to get some confirmation from the owner and that he knows about this request for a Special Use Permit.

Mr. Shramek said the owners absolutely know and their attorney was still waiting for the owner's attorney to provide all that paperwork.

Mr. Gasior hoped he receives something this week, but it could go the full three readings if he does not. He said if he gets it by this week and everything looks satisfactory then he could let Council know to go ahead on the 25th.

Mr. Fischer asked if the business would be subject to any annual inspections by any organizations.

Mr. Shramek responded they are not currently. He said there are no regulations of that matter involving pet daycare facilities although he anticipates that could change as this type of business sector gets larger.

Mrs. Holtzmeier said there are industry standards for overnight pet boarding and in looking at some of their competitors in other cities in Ohio; the one thing that stood out to her was that a few facilities in the Columbus area are very proud of their staffing ratios on site per number of dogs on site. She asked what the industry standard is as well as to what ratio this facility will be.

Mr. Shramek stated the industry standard is very low as one of their competitors in Westlake has 3 employees to approximately 120 dogs. He said what they are going to do to set them apart from that is they are going to cap the number of dogs and he noted that most facilities of this kind do not do that. That cap on the number of dogs will allow them to properly staff the facility. Mr. Shramek stated they were thinking along the lines of 6 employees to 70 dogs. There would be 1 employee to approximately every 12 dogs and he confirmed that would be during operating hours and not overnight. He said the operating hours would be 6:00 am to 7:00 pm. and after hours it would be surveillance.

Mrs. Holtzmeier asked if the overnight surveillance is within the standard of the industry.

Mr. Shramek said that is above the industry standard. He said other than the facility that is also a 24-hour veterinary center he did not know of any such facility that has any kind of live surveillance.

Mrs. Holtzmeier asked how the surveillance would be monitored.

Mr. Shramek advised there would be someone on staff that will be monitoring it at all times and again that is above industry standards. He confirmed the monitoring would be off-site.

Mr. Fischer asked if the monitoring is something that the dog owners could view to check-in on their dog.

Mr. Shramek said there will be video cameras that the dog owners can access during operating hours, but not during off-hours.

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

Second of Three Readings at Regular Meeting on Monday, March 25, 2019

Fire Chief Frank Root, III thanked Council for hearing their presentation and allowing them to speak of the benefits of this kind of facility. He mentioned that there has been overwhelming support from the public for it since it has been in the public eye over the past couple of weeks. Chief Root advised Assistant Chief Emling and Captain Panehal worked together to fulfill the requested information and he yielded the floor to them.

Assistant Chief Emling stated that one issue that seems to be a sticking point with this project is the amount of material and how much burning would take place. He assured Council that with today's standards of OSHA and NFPA regulations they cannot burn any more than a few pallets at any given time with some dry straw mixed in. Assistant Chief Emling said they are not going to burn every day for 8 hours a day, but they were going to have a scenario set up by Captain Panehal. He noted they cannot exceed 460° and it would be a matter of burning a small fuel load just to bring in some heat to simulate for training purposes and to extinguish that small fire. When they are actively burning in these towers he guaranteed it was not much more smoke than you would see with a residential fireplace and he noted there are several thousand fireplaces within the City. Assistant Chief Emling said they were not ignorant to the fact that there could be a lot of activity behind the Fire Station with the Aquatic Facility, the playground and such. He stated if they limit the burning to early

spring or late fall, the tower could be used at other times for a number of training scenarios and leave the burning for when the pool and playground are closed so it would not impact the neighbors.

Captain Panehal added that the scenarios involving burning were going to be few and far between. He recognized it will be a benefit to be able to have live fire for training firefighters especially new hires and they would be appreciative of that ability Captain Panehal said there are a lot of other things they could do to simulate smoke and to reduce visibility for training purposes without having to burn all the time, but they would like to have some live fires for the firefighters to see for extinguishing purposes and how a live fire reacts. He said if they burn it would only be a couple of pallets and let the firefighters extinguish it and then talk about it with them afterward.

Assistant Chief Emling said that he and Captain Panehal figured the cost of overtime for training at an off-site location as follows:

3x Captains – OT rate –	\$55.35/hr. = \$1,328.40
3x Lieutenants-OT Rate-	\$49.49/hr. = \$1,187.76
24x Firefighters-OT Rate-	\$44.25/hr. = \$8,496.00

Totaling \$11,012.16 in overtime per month, at a cost of \$132,145.92 per year.

It was noted the firefighters need at least 16 hours per month training per ISO, with half being classroom time and half being at the tower. That is 8 hours per month per fireman and the usual is 11 shifts a month. The overtime was based on whether it was paid due to off-site training requirement when not on shift or whether someone was called in for overtime to cover the station while the training took place off-site while on shift.

Assistant Chief Emling advised the cost of the training tower would pay for itself in roughly 2 years.

Mayor Jensen asked what other training could be done with the tower on-site.

Assistant Chief Emling stated with the walls being moveable inside the tower they could lay out any typical scenario of a house that they may encounter to pull victims out. They can train on lost firefighter drills, they can simulate basement fires with the lower level, stairwell fire training as well as rappelling off the top of the tower. He said there is a lot of versatility to this apparatus or facility and it was not only that they were going to burn and put out fires.

Mayor Jensen asked if they anticipate one time a month is the minimum for going off-site, but they could use it every week if it is on-site. Assistant Chief Emling said if it is in place the Fire Department could use it daily, although they would not be burning daily. Mr. Emling said those on shift could still train and still handle calls at the centrally located station by leaving three EMT's/firefighters out of service for training and rotate back and forth with the crew for training.

Mr. McBride said in looking at the pictures he was not certain how large the footprint of this facility is going to be. He asked if they have spoken with the Police Department about allowing them to use this facility for "Shoot or Don't Shoot" training since the walls inside are movable.

Chief Root said he spoke with Police Chief Bosley and he does not know specifically the kind of training he was referring to, but he was excited there was another option for him to train his officers in different tactics.

Mayor Jensen asked Captain Swope to come to the podium and since Council heard from Firemen Jimmy Fischer and Captain Barrett last week. He said it sounds as if the firemen are all for this and some may think that the Administration makes all the decisions when possibly the rest of the department may not be on board.

Mayor Jensen stated it sounded to him like everyone in the Fire Department was on board and they understand the importance of the training and want to embrace this kind of training structure.

Fire Captain Swope agreed and said they all need and want more training. He said fires are down and that is a good thing, because of fire prevention and strict building codes that are enforced. Captain Swope stated the flip side of that is that there are not as many fires to train officers. Fake smoke and training that can be set up in the Fire Station conference room pulling a dry hose through the hallway around chairs in the kitchen as they have had to do, does not give the same sense as movable walls that you can reconfigure each training session or come down a stairwell into a smoke-filled room. When the officers can see the fire, they can then talk about fire dynamics and how to properly extinguish a fire. He said watching YouTube videos does not really translate into the same real training. Everyone in this field knows that the more training you can get is better and safer. Captain Swope advised very few times do the crew worry about dying on an EMS call; the fire is where the danger lies. He said they still do EMS training several times a month, but they have thousands of EMS calls, but the fire calls are down and that is where a training tower such as this to be able to have real fire in a contained area that can be controlled is very beneficial.

Mr. Moore stated some of the concerns he has received are that other fire departments will be using the tower on a habitual basis. He asked for confirmation that it would be for Avon department training only as opposed to other departments outside Avon bringing in more traffic to that area.

Chief Root advised he was adamant last week that we would not have other departments train at this tower without specific permission from the Mayor and Council. He stated that the Mayor and he talked at great length over the past two weeks and with Council's blessing they would like to rescind that statement. He assured everyone it is not going to be a revolving door of fire departments coming in and out. They run a box alarm system which allows for the different mutual aid companies to come in. The first alarm is our most important and it happens to be with Sheffield Village, Avon Lake and North Ridgeville. Chief Root said he has a tremendous amount of respect for these three departments and they operate the same command system that Avon has, and they have the same concept that we all want to be the best firefighters we can be. To be able to allow these other departments to have access to this structure and train with our Avon crew accomplishes twofold. First, once we are on a fire scene it should be a seamless transition and go from being an Avon fire incident to this small region incident. He stated they already do well, but this will help solidify that. Second, it will also solidify our ISO Insurance Services Offices rating of 2, to allow those mutual companies to come in and train with us. Chief Root emphasized this is not going to be something in the summertime when the pool is open or the like because of the heat in the summer as he would not want to exhaust the officers in 90° weather. He said this is for those cooler 50°/40° days, where they can go in and feel the heat and get through the smoke and train and not be completely worn out because of some significant heat from outside contributing. As far as the mutual aid companies coming in and the concerns of numerous fire trucks; when he sends his crew out to train at other locations like they have done in the past, they do not take fire engines or rescue squads to the training. Chief Root said the dive team may take the dive truck and boat, but most of the training they go to a small vehicle is taken with their gear and SBA's to train. So, it is not going to be a parking lot of fire engines and ladder trucks coming into our station. He said it would be basically two or three crews from Avon and the surrounding communities functioning as one big team to help benefit the citizens of Avon for life safety. That whole team effort is what makes them the best and it is something we strive for all the time.

Mayor Jensen said it would be no different than when the Police bring police dogs for trainings. He indicated they may park their vehicles together in an area and walk over to the station. Mayor Jensen advised it is important if they can train together and it was not renting the facility out to another engine company but working together was important. He said it is going to be consistent to what is going on and if we know there is activity going on in the park, they will not be doing it. Mayor Jensen indicated that at this time of year, there is no one at that park, pool area. He mentioned the Police may also use it for training and the City wants to be open to help surrounding communities working together. Mayor Jensen noted it would be working together and not separate just letting someone else come in.

Mr. Witherspoon felt it would be a shame to have the facility built and not open it up within reason for training other fire departments.

Mr. Radcliffe said he appreciated the overtime cost being provided and asked if that could be emailed to him. Mayor Jensen stated he would forward the emails to Council.

4. ORDINANCE NO. 30-19 – REAPPROPRIATIONS

Mr. Logan

Mr. Logan explained that they would like to appropriate \$230,000 from the General Fund for the acquisition, demolition and restoration of property located at 25616 Mills Road in accordance with Resolution No. R-26-17 for the house located in the floodplain. The City was awarded a FEMA Hazardous Mitigation Assistance Grant that will reimburse 75% of the overall project cost.

Mr. Logan explained they would like to increase appropriations \$21,000 in the Avon Aquatic Facility Fund for new water features. The water features are for the splash pool. He said originally they did not budget for any kind of capital outlay and the reason for the appropriation of funds.

Total re-appropriations all funds \$251,000.00

4a. ORDINANCE NO. 31-19 - TO AUTHORIZE A DEVELOPER'S AGREEMENT WITH SPEEDWAY, LLC, FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

Mr. Cummins

Mr. Cummins advised they have been working with Speedway for approval of their engineering plans and that process is ongoing but nearing its end and they hope to have it wrapped up this week. He said Speedway has submitted their cost estimate for the public improvements and that has been reviewed and approved. Mr. Cummins stated that Mr. Gasior has put together a draft Developer's Agreement that was distributed to Council earlier today. He said it will be tweaked somewhat as they go through the week in working with Speedway. Provided that the plans are deemed approvable and Speedway makes all deposits on time, they hope to get a vote next Monday. Mr. Cummins stated they are working toward that destination, but there is still work to do.

Mr. Gasior added that there is an interest in seeing that this project gets completed in a short amount of time. They have a benchmark of May 10th, when baseball season begins at the stadium and another benchmark of the end of June, which is just short of the big fireworks night at the stadium and a concert. He said we have been working diligently to get the engineering number completed and they just came in this past week and were approved and the reason it was added to the agenda tonight. Mr. Gasior said if everything is in order and deposits are made then Council may be able to act on it next Monday night.

Mr. McBride asked if it has been confirmed that the developer and Speedway are fully cognizant of baseball season starting and the concert and fireworks events. Mayor Jensen said they have assured us and the reason they want to have the May 10th deadline, so the roadway will be back open in time.

Mr. Cummins advised the representatives are present if Council wished to hear from them directly.

Jeff De Zort of CESO advised they are anticipating starting construction almost immediately once we have final approvals and City Council approval then we will hold our scheduled pre-construction meeting with Mr. Cummins and all the other required officials and immediately start construction in hopes of good weather and being able to complete that by the deadlines that have been set.

Mayor Jensen advised the City would be putting up signs because they plan to close that road to facilitate this project as fast as we possibly can. He said they have been assured that if the road is closed they can get the work completed before baseball season starts.

Mr. De Zort advised that is their goal as well, but obviously weather is a big factor with construction because unfortunately they do not have a tarp large enough to cover the entire area. He said their intent is to get in there and get it completed as soon as possible for the City, for them to be able to move forward.

5. 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

Second of Three Readings at Regular Meeting, Monday, March 25, 2019

Mr. Witherspoon advised this was discussed at length at the meeting prior to the start of this Work Session.

Mr. Cummins advised he would be happy to answer any additional questions beyond what was spoken at the informational meeting.

Mr. McBride commented that there will be a number of residents for which this will be a financial hardship and he felt the City should endeavor to try and assist with that financial hardship. He said he was not talking about giving a grant to someone, but if we can come up with a way for people to finance some of the costs within law he felt they should try and look at that somehow.

Mrs. Holtzmeier advised it seems like a lot of the questions, aside from the project itself, were mostly about the how-to for financing, placing it on their property taxes, the amount of interest rate as well as their obligations up front versus what could go a longer way. She said a lot of people signed up that they came to the meeting and there may be more that received notice that were not able to attend, and she suggested the minutes of that meeting be emailed to those who left their contact information for a reference as a lot of good ground was covered. Mrs. Holtzmeier encouraged City Officials to be sensitive to these property owners and develop more communication to map out that how-to. She said it is her understanding that the City can provide a list of approved contractors and if residents want to work together as a group of multiple properties with a contractor they are certainly welcome to do that. She felt the City has somewhat of a moral obligation to be able to help show what some options are.

Mr. Butkowski asked if there would be any potential contractors that could be used as an economy of scale since there are so many homes that would be impacted by this project that they might be able to utilize that as a leverage point for the residents to be able to get a better rate. To have 37 different contractors would be a waste, but if we could somehow work with some of the larger contractors or contractors capable of doing a long-term project to go from house to house with all the materials and equipment would be on-site and there would not be additional cost of bringing it to and from. He asked Mr. Cummins if he was aware of any such contractors to utilize a group rate to help the residents when it comes to those costs.

Mr. Cummins advised it was certainly something they could look at, but the issue is that some property owners may be able to do the work right away and others may have to wait several months. He indicated it is not something where you would go down the street from house to house completing the work in succession. Mr. Cummins stated there is a good amount of variability between the eastern side and the western side of the homes and it was not all cookie cutter. He said he was sure that the City could look into something where they pre-vetted contractors and established some guidelines for them to follow and some rates that are agreed upon. Mr. Cummins stated he has heard of similar type programs in other municipalities and they could look and see what would fit for this particular project.

Mr. Butkowski felt that would help for someone who is not as aware about the construction and what it is going to take to get the work completed. He appreciated Mr. Cummins providing the estimated cost of \$35 a linear foot and that helps, but not everyone shares that same perspective.

Mr. Cummins advised that general cost estimate came from a very reputable contractor that has done quite of few projects in this area. He felt that what we heard from the property owners tonight is that any help the City can provide through information and understanding the process to financial help would be much appreciated.

6. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE had no comments.

MRS. HOLTZMEIER, AT LARGE asked regarding the status of the sidewalk on the southeast corner at Chester Road and State Route 83. She noticed that the weather has cleared and there are families being pedestrians along Chester Road and she said they are waiting at the stop signal, but there is not a good sidewalk for them.

Mr. Cummins responded that is an ODOT project and he would get in touch with them, but he believed we are getting very close to nicer weather where we should see some movement, but he would check with ODOT and report back.

Mrs. Holtzmeier thanked Mr. Cummins and stated there is more traffic with younger people using that sidewalk that she has noticed of late.

Mrs. Holtzmeier advised it is that time of year where we start talking about sidewalks and she asked if there was any timeline or ideas about the sidewalk program for 2019 or deadlines for Council to communicate suggestions.

Mr. Cummins advised a list has been put together and it was being worked on, but he did not have any specifics to report at this time.

Mayor Jensen advised the Zoning Enforcement Officer has the list and he would have it sent out to Council.

MR. MCBRIDE, WARD 2 advised there was another structure demolished in the City and the overhead utility lines were rolled back. The structure is gone but the overhead utilities are still there. It was noted it was on the corner of Jaycox Road and Detroit Road. Mr. McBride stated he has noticed this before, but the issue is that the contractors come in and tear the structure down and the utilities are left. He felt the City may need to regulate this because the utilities were cut and left hanging at the utility poles and it may go a year or two before that is taken care of. Mr. McBride suggested a bond be required until it is taken care of, so the City is not left with that task and it looks terrible. He said he also knows there was a private contractor that was hanging low voltage wiring in the public right of way and the spool of wire is still sitting in the tree lawn by the Senior Center. Mr. McBride advised if we are not requiring a maintenance plan from these contractors, whether it is a public utility or a private contractor, he felt we should start and we need to tighten those regulations so when the onslaught of small cell installations begins we have regulations in place as much as we can regulate.

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 had no comments.

MR. GASIOR, LAW DIRECTOR thanked Mr. Cummins for the good job he did in presenting that very difficult issue to a large group of people that were not happy. He felt Mr. Cummins answered all their questions and he did a good job.

MR. LOGAN, FINANCE DIRECTOR reported the Lion's Club paid their final installment toward the Every Child's Playground. They contributed a total of \$18,000 for the Harmony Circle.

AUDIENCE:

Patricia Jankowski of Hollow Wood Lane said regarding Ordinance No. 25-19 for the Ruff Carlton, LLC. she was curious as to their background and if they have been in business before. Ms. Jankowski stated she tried to do some research and she could find nothing except a place in Tampa, Florida. She wondered if they have other similar facilities.

Mr. Witherspoon advised he was not aware of anything else that they were involved in.

Ms. Fechter stated Mr. Shramek already left the meeting tonight, but she could follow-up with him and bring it back next Monday.

7. ADJOURN: 8:17 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