

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 3, 2021
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; Safety Director – Duane Streater; Clerk of Council – Barbara Brooks

1. [ORDINANCE NO. 35-21](#) – GRANTING A SPECIAL USE PERMIT FOR THE LORAIN PUBLIC LIBRARY SYSTEM, (AVON BRANCH LIBRARY), TO ALLOW FOR THE CONSTRUCTION OF A 16,000 SQ. FT. ADDITION AND RENOVATION TO THE EXISTING 10,400 SQ. FT. BUILDING LOCATED AT 37485 HARVEST DRIVE Planning Referral

Ms. Fechter advised the library is in front of Council requesting a Special Use Permit to add onto their building. She said they originally opened back in 1994 and at that time the City did not require Special Use Permits. Ms. Fechter stated it was felt they should go through the process and get the entire building into the Special Use and go from there.

Mrs. Holtzmeier asked what questions or comments the Commission had when this request was presented at Planning.

Ms. Fechter advised there were a few questions. She said they spent a lot of time with the abutting property owner to the south. Ms. Fechter stated a fence is proposed along the property line and it extends approximately 120 linear feet past the back of the neighboring house to ensure all the lights coming in and out of the new construction are not cast upon the house. She advised there are a few items to clean up and they are working on the shared parking agreement and some other miscellaneous items, but all the questions that were asked were covered to the satisfaction of the Planning Commission and they are excited to move forward with their plan.

Mrs. Holtzmeier asked if there was any discussion on the outdoor patio that is shown in the plan.

Ms. Fechter answered not at all.

Mrs. Holtzmeier inquired as to how close the outdoor patio shown on the plan is to Colorado Avenue or to the sidewalk.

Ms. Fechter invited the Architect to the podium to answer questions.

Jason Nolde, Architect of GPD Group located at 1228 Euclid Avenue, Suite 320, Cleveland advised he did not know the direct distance, but they will be coming off the existing building approximately 15 feet for that patio, which would then be that distance closer to Colorado Avenue. He said it is a fenced in patio and it is currently being bid as an alternate and if the bids come in favorable then that is what they will proceed with.

Ms. Holtzmeier advised she is looking at page 21 of the Council packet that shows the landscape and the design of this patio. She said she is not seeing in any of the renderings the fencing and she asked if he could tell her more about that specifically since it is next to Colorado Avenue and she asked how it is constructed or proposed now to shield children from wandering out.

Mr. Nolde advised they share those same concerns, so they are doing something like a black wrought iron fence along the front of the library. He said they are currently proposing it to be about 4 feet high. Mr. Nolde stated it

is difficult to see in the renderings because they do not want it to be a prominent feature of the façade, but they do want the security aspect of it and the black makes it appear a little more transparent.

Mrs. Holtzmeier asked if the fence was going across the entire front from door to door to which Mr. Nolde confirmed that to be correct.

Mr. Nolde stated they were masking some of the fence with the landscaping.

Mrs. Holtzmeier inquired if there was an exit where someone could enter or exit.

Mr. Nolde confirmed there is as an emergency exit and said it would not be a primary ingress but would be for egress purposes. He stated as they see on the screen to the left is the egress path that is shared from the reading garden plus the building.

Mrs. Holtzmeier asked if it was all the same level as the street or were there any mounds in between or anything other than the fence.

Mr. Nolde advised there are no mounds.

Mrs. Holtzmeier inquired as to how they anticipate it being used.

Mr. Nolde said it is going to provide the library opportunities to do some programming outside that they currently do not have, but it is also intended to provide patrons an opportunity to take a book and read it outside on a nice day so there will be a mix of various seating opportunities.

Mr. McBride asked if the alternate bid also include the patio furniture.

Mr. Nolde confirmed it does. He advised if the alternate is not accepted it is just going to be landscaping along Colorado Avenue.

Mr. McBride asked if the fence was on the site plans.

Mr. Nolde said yes, they follow the pavement line.

Mr. Radcliffe said he believes you can see it on page 21 that Mrs. Holtzmeier referenced earlier as there was a small black line along the landscaping that has posts. He stated on the far north side of that where it comes back into the building to connect with the patio umbrellas is where the gate would be that leads out to a small walk and that leads to the street and that is how he believes it to be set up.

Mr. Nolde confirmed Mr. Radcliffe's statement as correct.

Mr. Butkowski said in looking at the drawings provided with regards to parking it does not look like there is any modification to the current parking lot as far as the number of parking spaces.

Mr. Nolde advised there will be a modification to the existing parking lot.

Mr. Butkowski stated the proposal is to more than double the size of the facility with the existing number of parking spaces. He advised within the City there is a requirement for a certain number of spaces per square footage of the facility.

Ms. Fechter advised the library currently has 101 spaces on site. She said the entire building with the addition needs 156 parking spaces. Ms. Fechter stated they are working on that issue right now with shared parking.

Mr. Nolde clarified currently there are not 101 spaces, but with the proposed design there will be 101 parking spaces. He said they are taking the same sort of footprint width and they are expanding it the width of the building so they are maximizing as much parking as they can fit within that site.

Ms. Fechter advised in a C-2 district shared parking is an allowable use as long as there are agreements from all parties involved. She said that is the only district where shared parking is allowed. Ms. Fechter stated there is a meeting space capacity requirement, but the facility will not always need that full meeting space except for a couple of times a year. She advised the City is trying to accommodate the library's needs while making sure they are not parking all over the street. Ms. Fechter said the library is asking for permission from the Schafer building to the north as well as the property to the east, which is behind the library. She stated there is a row of approximately 30 parking spaces behind the library and then there is a small parking area to the east of the building to the north that the library could utilize without having to take over spaces that other patrons are using; it would be after-hours space.

2. ORDINANCE NO. 36-21 – GRANTING A SPECIAL USE PERMIT TO GEORGIA PROPERTIES, LTD. PARTNERSHIP TO ALLOW THEIR TENANT, NEMO MANAGEMENT, INC. TO CONSTRUCT A 750 SQ. FT. CONCRETE PATIO/OUTDOOR SEATING AREA ON PROERTY LOCATED AT 36976 DETROIT ROAD Planning Referral

Ms. Fechter advised that Bob Nemo, who owns Nemo's Grille, is proposing a 750 square foot patio on the southeast corner of the building. She said the reason Council does not have a drawing of what the patio is going to look like is because he is working with the Avon Fire Marshal, Lt. Dudziak, and the Chief Building Official, Emily Hanson, regarding the placement of the bollards. She stated Mr. Nemo is looking at fencing as well as what type of bollards. Ms. Fechter advised the restaurant is hoping to provide some outdoor seating during nicer weather for patrons looking for that option.

Mr. Fischer asked if there was a timeline for when those drawings would be submitted.

Ms. Fechter said she was not sure of a timeline, but Mr. Nemo was present tonight to answer any questions.

Mr. Fischer said he also saw on the proposal that there was a question about waterlines and making sure there was direct access to all shut off valves.

Ms. Fechter advised Mr. Nemo is working with City Departments to ensure all requirements are met.

Mr. McBride asked what is the spacing that the business is working with our Building Department.

Ms. Fechter said she believes the spacing is 4 feet between bollards.

Mr. McBride inquired as to the ingress and egress from the patio. He said currently he believes there is only a service entrance.

Ms. Fechter advised they are going to have a gate.

Mr. McBride clarified that he did not mean to get out onto Detroit Road, but in and out of the restaurant to use the restrooms from the patio area.

Bob Nemo of 36976 Detroit Road advised that to the left of the picture of the outside of his restaurant there is an ADA ramp going into the restaurant. He said they do not open until 5:00 p.m. so deliveries use that access in the early afternoon.

Mrs. Holtzmeier advised she does not have issues with this request, and she appreciates the need to make it safe especially with the restaurant being located along Detroit Road and she thanked them for that. She stated

obviously this last year has been tough and for Mr. Nemo to continue to stay in business and to want to expand with a patio, she encourages that and says well done to him and his staff for having that fortitude.

Mr. Nemo thanked her and said he appreciated that very much. He advised he has been in business with this restaurant for 20 years this year.

Mrs. Holtzmeier congratulated him.

Mr. McBride congratulated him as well.

3. ORDINANCE NO. 37-21 – AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED MUTUAL AID CONTRACT WITH OTHER POLITICAL SUBDIVISIONS WITHIN LORAIN COUNTY TO PROVIDE MUTUAL POLICE ASSISTANCE IN THE INTERCHANGE AND USE OF PERSONNEL AND EQUIPMENT TO ALL PARTICIPATING ENTITIES Mr. Streator

Mr. Streator advised there is a current mutual aid agreement in place with all the law enforcement entities in Lorain County and this updates that current agreement with some language as it was last updated in 2000 so there was some need to amend and update the agreement. He stated in working with all the entities in Lorain County and the Prosecutor's office so this is the current proposed mutual aid agreement that the other cities are looking at adopting.

Mr. McBride questioned why the City would be getting into a mutual aid agreement with Grafton, Kipton, LaGrange, and Oberlin, and even Vermillion, Wellington, and South Amherst he felt was too far. He stated it would take too much equipment out of our service area, not that the City has an abundance of equipment particularly if it is fire equipment or police cars for that matter. Mr. McBride said his recollection is that the communities in Cuyahoga County are typically the surrounding communities not everyone in the county, but he could be wrong.

Mayor Jensen advised he believed this was under extreme conditions and was not the typical mutual aid agreement with local cities for an ambulance run.

Mr. Streator clarified this is for law enforcement only and was not for fire. He said it pertains only to law enforcement in Lorain County. Mr. Streator advised the agreement in 2000 replaced the one before that so it is Countywide. He stated there is the possibility that all the law enforcement in the County would have to work together. Mr. Streator said currently, in law enforcement, they are looking at field force in case there are large demonstrations where assistance would be needed from other agencies and this agreement would allow for that without a problem.

Mr. Gasior advised there is no obligation on the part of the City to commit their forces or their equipment to any mutual aid situation and there are some guidelines in the agreement that cover that. He said if the Police Chief believes that answering a mutual aid call would in some way jeopardize the citizens, he or she could decide not to involve the City or the City's equipment in that call. Mr. Gasior stated as Mayor Jensen pointed out, it would have to be a catastrophic sort of event for everyone to have to go out to Vermillion for instance.

Mrs. Holtzmeier advised the existence of the mutual aid agreement is good to have when it is needed as it is there, and it is spelled out how it can be used. She said being a good fiduciary of our resources for our taxpayers, she would be interested to learn the number of instances where Avon has accepted aid and where they have provided it to be able to quantify value as well as need. Mrs. Holtzmeier stated to be able to look at that from that perspective may be helpful in the bigger picture.

Mr. Streator advised the majority of Avon's mutual aid on a regular occurrence is by the bordering cities more than any other Lorain County Agencies, but having this in place helps everyone in Lorain County.

Mrs. Holtzmeier said she would expect that from our immediate neighbors both giving and taking. She stated to be able to demonstrate that and make sure that is what they think it might be, would be good to see.

Mr. Streator agreed.

4. RESOLUTION NO. R-11-21 – IN SUPPORT OF SUBMITTING AN APPLICATION TO THE OHIO ASSOCIATION OF REGIONAL COUNCILS (OARC) THROUGH THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) FOR FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING Mr. Cummins

Mr. Cummins advised this Resolution would allow the City to submit an application through NOACA seeking federal funds for the improvement of the Detroit Road and Jaycox Road intersection. He said it would include upgrades to all four legs of the intersection and it would also include reducing the steep slope that is on the Jaycox Road northern leg as well as adding additional turn lanes on Detroit Road. Mr. Cummins stated they applied for Safety Funding for this project, but they were not successful for that earlier in the year. He advised in talking with representatives of NOACA, they thought it would be a good candidate for this program so they already have the information put together, the studies done, etc. and they would like to submit that for NOACA's consideration.

5. REPORTS AND COMMENTS

MAYOR JENSEN advised new microphones are installed in the Council Chambers. He said the technicians got as much done today as they could before tonight's meeting, but they were still adjusting the sound system. Mayor Jensen stated the installation and setup would continue for the rest of the week so hopefully everything will be operational by the next meeting. He advised the project is IT driven and Council could provide some suggestions, but it was working enough to get through tonight's meeting.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no further comments.

MRS. HOLTZMEIER, AT LARGE had no further comments.

MR. MCBRIDE, WARD 2 had no further comments.

MR. MOORE, WARD 3 asked if the City was going to be ordering more speed indicators. He said he had a call from a resident on Emory Drive saying that there are a lot of cars speeding on their street and he understands it is tough to try to control. Mr. Moore suggested one of the flashing speed indicator signs would help as there are a lot of motorists turning off Jaycox Road and speeding on Emory Drive and with kids in the neighborhood it makes people nervous.

Mayor Jensen advised they will be meeting with the Police Department this month and will be reporting back to Council. He encouraged Council to email him locations where they would like some new signs placed and said the Administration has asked Council to approve the purchase of 10-12 new signs each year and they plan on doing the same again this year.

Mr. Streator said if Mr. Moore has a specific location on Emory Drive to please let him know. He believes last fall they installed seven new signs in different areas along with the crosswalk lights.

MR. RADCLIFFE, WARD 4 had no further comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE had no further comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no further comments.

MR. FARMER, SERVICE DIRECTOR had no comments.

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

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR had no further comments.

AUDIENCE:

There were no comments from the audience.

6. EXECUTIVE SESSION: 7:56 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to enter into Executive Session for the purpose of discussing the purchase/sale of real estate, and the vote was: Mr. Butkowski, "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.

7. RECONVENE: 8:10 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore 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"; Mr. Butkowski, "yes"; Mr. Fischer, "yes".

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

8. ADJOURN: 8:11 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