

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, MAY 6, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

CHAIRMAN, CRAIG WITHERSPOON, CALLED THE MEETING TO ORDER

PRESENT: Council Members: 1st Ward – Bob Butkowski; 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

ABSENT: Council-at-Large – Brian Fischer

The following items were considered in this Work Session:

INTRODUCTION:

Mayor Jensen introduced the City's new Grounds Manager, Steve Hanzal to Council. He explained that when the City made the transition changing the parks to be geared more toward recreation, it was discussed about hiring a Grounds Manager. Mayor Jensen advised Mr. Hanzal has a wealth of knowledge in this field and he asked him to give a history of his background.

Mr. Hanzal of 37541 Detroit Road thanked Mayor Jensen and his staff for giving him this opportunity to serve the City of Avon as Grounds Manager. He said he grew up in Westlake, Ohio and graduated from Westlake High School in 1998. Mr. Hanzal stated he studied horticulture and landscape design at Ohio State ATI (Agricultural Technical Institute) in Wooster, Ohio and in 2002 he moved to Avon. He said he is excited and honored to not just live in the City, but to work for the City and he thanked Council for their time. Mr. Hanzal stated he would be tweaking some areas and bring his knowledge to the position. He said this is his third week of employment with the City and it feels like he has been here two years. Mr. Hanzal feels he has adapted very well with his team and his staff and he is excited.

Mayor Jensen said it is a positive that Mr. Hanzal is a hands-on employee and that he has adapted as well if not better than most people. He advised this year has not been a good year for sports fields because of the rain, but he believes people would start to notice changes and different things going on very soon throughout City properties.

1. [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
Third of Three Readings on Monday, May 13, 2019

Mr. Gasior advised as of today he still does not have an official email or document from the owner of the property authorizing this use. He said he has been told that the owner has in fact granted the subtenant the opportunity to use the facility in this manner and it should be forthcoming. Mr. Gasior stated he advised the parties that if it is not received this week that the only recommendation that he can make is to recommend against it, but he expects that it will be here. He said it took a while, but was told that the owner of the property has finally allowed for that use to go in.

2. [ORDINANCE NO. 39-19](#) – REAPPROPRIATIONS

Mr. Logan

Mr. Logan stated he distributed a copy of an attachment to Council that explains the proposed expenditure for the Police Department. He said the Police Department would like to appropriate \$360,687.30 for a few capital outlay items as outlined on that sheet.

Captain Fischbach explained the largest expenditure of \$271,800 is for completing a radio project that they began about 4 or 5 years ago due to problems they were having with the radio system. He said because of the cost they have been slowly adding dual band portable radios and mobile radios. Captain Fischbach clarified that portable radios are what the officers wear on their belts and the mobile radios are what is in the police cruiser. He said as the Department and the City continue to grow they have never been able to complete the project and because they continue to have radio problems throughout the City they are asking Council to approve the appropriations of funds to finish the radio project. Captain Fischbach advised the dual band capability will allow them to talk to Western Cuyahoga County who they lost radio contact with when they went to a 700 to 800megahertz system.

Mr. Logan advised the City received the grant money the other day, which was roughly \$16,000 toward the purchase of the ballistic plate carriers. He said this legislation is appropriating the funds for the purchase. He said as it stands currently the Police Department Equipment Fund has just under \$600,000, but there were certain items budgeted at the beginning of the year such as vehicles and equipping those vehicles and there was some expense budgeted for the HVAC issues that the Police Station still has with its building. Mr. Logan stated that is why the Police Chief and Captain Fischbach felt they should appropriate specifically for these items at this point.

Mayor Jensen advised at one point, it was discussed that the City would need to place more cell towers throughout the City to get better communication service as they feared with some facilities, such as the Cleveland Clinic, there were areas where reception was not coming through. He said by changing over to MARCS (Multi-Agency Radio Communication System) they will be able to have clear reception. Mayor Jensen stated it would also eliminate the need for installing towers at a cost of half a million dollars, but they will have a monthly maintenance fee. He said when amortizing the cost, it is less expensive, and they will have dual band that the City did not have the capacity to do previously. Mayor Jensen advised Lorain County is considering placing an issue on the ballot sometime over the next several years, but they do not have a lot of confidence that is going to happen any time soon. He said we are trying to make sure that we keep our officers safe and if this is successful for the police officers they will consider it in the future for the firefighters as well. Mayor Jensen stated this is the first step and there will be an overall savings by doing it in this way.

Mr. McBride stated that MARCS works basically everywhere, and he asked when they switch over to dual band and the range for Western Cuyahoga County if it would be from the tower in Westlake.

Captain Fischbach advised there is one on Columbia Road. He explained that Westlake and Western Cuyahoga County are on what is considered their own MARCS and Cleveland went a different route. He said it is very similar to what the State of Ohio has, which is the system that Avon is getting into. Captain Fischbach stated that Cleveland and Cuyahoga County basically has a MARCS, it is just a part of the Ohio MARCS. He advised everyone is switching to the 700-800megahertz because of the better quality and capabilities.

Mr. McBride asked if they had any idea what the monthly fees will be.

Captain Fischbach answered it would be a flat fee of \$10 per radio unit per month. He stated the nice thing is that it will be all of MARCS infrastructure and the City does not have to install any infrastructure and the City will pay a fee to use their system. Captain Fischbach said that Avon will be responsible for the hardware and buying the radios.

Mr. Butkowski said it sounded as if communities have different entities of MARCS. He asked if this is a standardized system that Avon Lake and Westlake have in place.

Captain Fischbach stated that Avon Lake is already a part of MARCS and they use it as a backup and Avon has some channels. He clarified that when he says MARCS it is basically referring to a 700-800megahertz system. The State of Ohio many years ago put money into what is considered a MARCS multi-issued radio communication system and it is statewide and is specifically for public safety; police, fire and EMS. He said any public entities in the State of Ohio can use the system and each municipality is responsible for the hardware of buying the radios and paying the monthly user fee.

Mr. Butkowski asked if this is a standardized system.

Captain Fischbach confirmed it is and said that the Ohio Highway Patrol, ODNR and a lot of other State agencies are on this system.

Mr. Butkowski asked if any of the surrounding communities to Avon use this same system.

Captain Fischbach said that Avon Lake uses it as a backup and Avon has been using it as a backup through the detective bureau for certain investigations. He stated he did not know another municipality surrounding Avon that is specifically running totally on MARCS. Western Cuyahoga County; that includes Bay Village, Westlake, and North Olmsted are all on a MARCS-like system, but Cuyahoga County chose to do their own system.

Mr. Butkowski asked if they would be compatible with what Avon will be using to which Captain Fischbach confirmed that it would be.

Mrs. Holtzmeier asked how many radios this appropriation would cover.

Captain Fischbach answered they were going to need an additional 22 portables and 22 mobiles so he estimates 45-50 total.

Mrs. Holtzmeier asked if this appropriation was solely for the radios and equipment that comes with it.

Captain Fischbach stated it was for the radios, batteries, chargers, shoulder mics.

Mrs. Holtzmeier asked when they expect to have it fully implemented.

Captain Fischbach said they would like to have it all done by the end of the year.

Mr. Logan continued with the explanation of appropriations by stating they would like to increase appropriations in the Park Operating Fund 250 by \$49,000 and transfer these funds to a newly created fund called the Citywide Bike Trail Fund 488 for the development of a Citywide bicycle and multi-use path Master Plan per Ordinance No. 84-18 passed last October. He advised those funds will be reimbursed through a grant from NOACA.

Mr. Cummins believed there to be a \$20,000 grant from NOACA.

Total re-appropriations \$458,687.30.

3. [ORDINANCE NO. 40-19](#) – REZONING THE 6.18 ACRE REMAINDER OF THE 10.53 ACRE PARCEL OF LAND LOCATED AT 37520 COLORADO AVENUE FROM R-2 TWO-FAMILY RESIDENTIAL DISTRICT TO C-4 GENERAL BUSINESS DISTRICT/GENERAL BUSINESS DISTRICT OVERLAY

Planning Commission Referral

First of Three Readings on Monday, May 13, 2019
Public Hearing at 7:20 pm on Monday, June 10, 2019

Ms. Fechter advised that Brian Stack with Stack Heating and Cooling presented to Planning Commission for rezoning the rear parcel. She stated that currently the Brimar Packaging plant on Colorado Avenue, the front four acres is zoned C-4 and the rear six acres is zoned R-2. Ms. Fechter said back in 2006 a ballot issue went to the vote of the people asking for a Charter Amendment. At that time, 5 acres or less south of I-90, but north of Detroit Road was required to go to a vote of the people. She stated seven areas were exempt from that Charter Amendment and Area 3 is the rear property for Brimar Packaging. Ms. Fechter advised now there is an existing building in that R-2 zoning district and to make the whole property a C-4 district, Mr. Stack came and asked for the rezoning and it was given a positive recommendation from Planning Commission. She stated Mr. Stack was present tonight if Council had any questions for him.

Mr. McBride suggested a map of the area be incorporated into the legislation. Mr. Gasior advised he asked the Clerk to provide a copy of Ordinance No. 95-06 in the packet to Council and said that Ordinance contains the map that identifies the Charter Amendment areas.

Mr. Butkowski said he knows there were some discussions about the potential to have a 30' buffer zone around this particular piece of property. He stated he did not know if that was something that Planning Commission has discussed. Ms. Fechter stated a buffer is required by our Code and Mr. Stack agreed he would include a buffer. She noted that Mr. Stack intends to try to save the trees although some may be more scrub trees.

Ms. Fechter added there are some misconceptions on social media that there is a stamping plant locating to this property and that is not true. She said that Mr. Stack would like to run his business, Stack Heating and Cooling at this location. Ms. Fechter felt the great thing about what Mr. Stack wants to do is that he plans on housing his work trucks inside and keeping everything neat and really update the area.

Mr. McBride noted as the Councilperson for that area, he has not received any calls.

4. [ORDINANCE NO. 41-19 – TO AMEND SECTIONS 1270.03\(b\)\(11\) AND 1280.05\(gg\) OF THE CODIFIED ORDINANCES OF THE CITY TO INCLUDE VETERINARY OFFICES ON THE SCHEDULE OF PERMITTED AND SPECIAL USES IN C-2 CENTRAL BUSINESS/FRENCH CREEK DISTRICTS](#)

Planning Commission Referral

First of Three Readings on Monday, May 13, 2019

Public Hearing at 7:25 pm on Monday, June 10, 2019

Ms. Fechter advised there is currently a Veterinary Clinic in the French Creek District and that Clinic has been in existence for awhile and is located on Detroit Road next to the Avon Isle. She said the Clinic presented to Planning Commission a request to tear down their existing structure and rebuild and expand. Ms. Fechter stated that during the review process it was discovered that a Veterinary Clinic is not permissible currently in the City's C-2 zoning district. She said the Clinic has been a great asset to the community and is a quiet neighbor and the Planning Commission determined their request falls under a Special Use so that every time the Clinic wants to make a change they would have to come before Planning Commission and City Council to ensure there would not be a noise or other issue. Ms. Fechter advised it was passed with a positive recommendation from Planning Commission.

Mr. Gasior advised as a non-conforming use in the district and as it currently sits, they would not be able to totally destroy their building and rebuild as it would not be permitted. He said they felt this to be the best way to deal with it by changing it from a prohibited use in the French Creek District to a Special Use and then they can make the desired changes as long as they get a Special Use Permit.

Ms. Fechter confirmed they would keep Mr. Burik in the loop with this request.

5. ORDINANCE NO. 42-19 – TO AUTHORIZE A DEVELOPER’S AGREEMENT WITH JAF ACQUISITIONS, LLC AND CONCORD VILLAGE PHASE TWO, LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS Planning Commission Referral

Ms. Fechter advised there is a group that would like to finish Concord Village. She stated Schaefer Development Group began the project back in 2007 and then the market declined, and while small sections have been done here and there, they were never able to finish the project. Ms. Fechter said Mr. Freidman from JAF Acquisitions is asking to complete the 83 units. She advised they are asking Council for authorization of the Developer’s Agreement because they will be doing water and sewer work and dedicating that to the City. Ms. Fechter said it would come back to Council later for approval of construction of a turn lane eastbound to allow left turns into the facility. It was noted this was a positive referral from Planning Commission.

Mr. Radcliffe asked regarding the turn lane if it was just past the area they are talking about to which Ms. Fechter agreed it was just past the area. She said once a certain number of units are completed then construction will begin on the turn lane.

6. RESOLUTION NO. R-11-19 – TO ADVERTISE FOR BIDS FOR THE IMPROVEMENT OF NAGEL ROAD BETWEEN MIDDLETON ROAD AND DETROIT ROAD Mr. Cummins

Mr. Cummins advised this project will be the widening of Nagel Road near Middleton Road that widened heading southbound as a part of the Meijer improvements a couple of years ago and where the road narrows is where this project will pick up. He said it will be a three-lane section until it blends into the current turn lanes just north of Detroit Road. Mr. Cummins stated this project is partially funded through the Ohio Public Works Commission and they are not able to sign a contract on that until after July 1st, but they would like to go out for bid and secure the bids so we are ready to be in a position to sign that as soon after July 1st as possible.

Mr. McBride asked what the engineer’s estimate was for this project to which Mr. Cummins answered \$1.2 million.

7. REPORTS AND COMMENTS

MAYOR JENSEN advised we had another successful shred day. He said it was the second highest pounds shredded in recent years and he thanked Ms. Brooks for coordinating that event. Mayor Jensen stated there were some long lines and it kept a couple of our Street Department employees busy all morning.

Mayor Jensen advised last year we started a program with the speed indicator signs to let motorists know how fast they were driving in the neighborhoods. He felt overall the program has been successful and he said we have received some calls from residents asking for some to be placed in their neighborhood. Mayor Jensen stated he would like to add the cost of purchasing another ten of those signs to the re-appropriations. He said if Council knew of some areas where a speed indicator sign is needed to let him know. Mayor Jensen felt with some of the newer developments it might be beneficial to have in place. He said when the speed indicator signs were first installed last year people were upset at their size and now he does not hear complaints about them. Mayor Jensen stated there have been comments made that people notice motorists slowing down when approaching one of these signs and he felt it is a great reminder for people to slow down.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE was absent.

MRS. HOLTZMEIER, AT LARGE had no comments.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 advised it is good to have trash pickup on Monday and he felt it went over pretty well. He said they received reminder phone calls from Republic Services and that was good. Mr. Moore stated they have done their fair share of complaining about Republic and he did not receive any calls about the change in collection day and it went over well.

Mayor Jensen felt it helped having bulk pickup today as well because residents could clean out over the weekend. He said as Council was made aware, this afternoon that Republic Services sent out an email to the City that they were working late picking up the bulk items. Mayor Jensen stated his neighborhood had all bulk items picked up before he came back for tonight's meeting.

MR. RADCLIFFE, WARD 4 thanked Ms. Brooks for standing outside with the rainy weather on Saturday helping direct traffic for the shred event.

MR. WITHERSPOON, AT LARGE had no comments.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised the Kinzel Road repaving project is likely to get underway next week.

Mr. Cummins advised last Thursday there was a bid opening for the Chester Road to American Way road widening project. He said it was not a good bid; the City received one bid and it was 18% over the engineer's estimate. Mr. Cummins stated he would be coming back to City Council with legislation to reject that bid and authorize the project to go back out to bid.

MR. FARMER, SERVICE DIRECTOR stated the City received their fair share of phone calls for drainage problems in residents' backyards. He said we have had a lot of rain and standing water and while many residents have backyard drains, they may be covered over with leaves and other debris. Mr. Farmer advised some causes are recent landscaping that has changed the lay of the land and he asked Council to keep that in mind if they receive any phone calls.

MS. FECHTER, ECONOMIC DEVELOPMENT /PLANNING COORDINATOR reported that they are excited about the new business grand opening this past Friday for a company called Rexel USA. She advised they are located in the Liberty Business Park on Moore Road and are an electrical supply company and relocated from Elyria. Ms. Fechter stated their business was growing and they moved to Avon and the City welcomes them.

MR. GASIOR, LAW DIRECTOR wished Mr. McBride a happy birthday!

MR. LOGAN, FINANCE DIRECTOR wished Mr. McBride a happy birthday! He reminded Council there would be a Finance Committee Meeting next Monday at 6:30 p.m. Mr. Logan mentioned there would be 4 or 5 agenda items to be discussed.

AUDIENCE:

Steve Jacobs of 37625 French Creek Road complimented the Avon Police Officers for the wonderful job they do and he felt the City needs a few more patrol officers during the time children are entering and exiting school buses on French Creek Road. Mr. Jacobs stated there was a would-be incident where a little girl was almost hit by a motorist passing a school bus this morning on French Creek Road. He advised he heard the bus sound its horn and while he was not able to see the make/model of the vehicle, he felt that French Creek Road is being used as a racetrack. Mr. Jacobs was thankful for the bus driver because the little girl had to cross from the south side of French Creek Road to the north side to get onto the school bus and she would have been

struck. He asked if the City could have the officers step up their patrol during that time as this incident occurred at about 7:30 am.

Mr. Jacobs stated all the motorists pulling out of the side streets off French Creek Road were ignoring the stop signs completely and he was almost hit twice. He suggested adding some of those blinking stop signs that are on French Creek Road and Moon Road to the side streets as you cannot miss those signs.

Mayor Jensen advised as the City adds more sidewalks, especially on French Creek Road after the sanitary sewer is installed, he felt it might help. He said everyone is in such a hurry today and he agrees it is frustrating especially when someone is risking hitting a child and would have to live with that decision the rest of their life.

Mr. Jacobs said he credits the bus driver for acting fast as this was a close situation this morning.

Mr. Witherspoon asked if the school buses are equipped with video cameras.

Captain Fischbach responded that some of the school buses have them, but the majority do not. He believes they are being included as new buses are added.

Mr. McBride asked Mr. Cummins if he knew if the State has any grant funds to help purchase video cameras for buses.

Mr. Cummins remarked that he did not know off-hand.

8. EXECUTIVE SESSION: 8:01 p.m.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.

9. RECONVENE: 8:40 p.m.

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

The vote was 6 for and 0 against and the Chairman declared the motion passed.

10. ADJOURN: 8:41 p.m.

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