

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, NOVEMBER 4, 2024
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Mary Berges; 2nd Ward - Dennis McBride; 3rd Ward - Tony Moore; 4th Ward - Scott Radcliffe; Council-at-Large – Michelle Patton; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director– Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 1st Ward – Jennifer Demaline

Council President Brian Fischer, called the Meeting to order.

1. **ORDINANCE NO. 90-24 – APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER** Mr. Gasior
The Third of Three Readings of Ordinance No. 90-24 will be held on Monday, November 11, 2024

No comments were made.

2. **ORDINANCE NO. 91-24 - AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER** Mr. Gasior
The Third of Three Readings of Ordinance No. 91-24 will be held on Monday, November 11, 2024

Mr. Gasior said the required Public Hearings were held by NOPEC and everything is in compliance.

3. **ORDINANCE NO. 99-24 – TO AWARD THE BID FOR A TOWING & STORAGE CONTRACT FOR THE CITY OF AVON POLICE DEPARTMENT** Mr. Streator

Mr. Streator advised a couple of weeks ago the City went out to bid for the towing & storage contract as well as the salvage contract (see item no. 4 below) for the Police Department, as the current contracts are set to expire at the end of November. He said two companies bid on these items and one is the company that the City currently uses, Sugar Ridge Towing, and the other is Patton's Towing. Mr. Streator stated after review by the Police Chief and himself, it is recommended to go with Sugar Ridge Towing. He advised Sugar Ridge Towing has provided exceptional service to the City the last five years for both contracts. Mr. Streator said in comparing the bids from both companies, Sugar Ridge Towing is a little bit lower than what is charged to the public for towing and storage.

Mr. Gasior mentioned that like what was done five years ago, these are three-year contracts with two one-year renewal options by both the City and the towing company.

4. **ORDINANCE NO. 100-24 – TO AWARD THE BID FOR A SALVAGE CONTRACT FOR THE CITY OF AVON POLICE DEPARTMENT** Mr. Streator

See comment in item no. 3.

Mr. Streator advised Sugar Ridge Towing was the best bid of the two that were received. He said it is the recommendation of the Police Chief and himself to award the contract to Sugar Ridge Towing to continue their work with the City.

Mr. Fischer asked Mr. Streator to explain the difference between the towing and storage contract as opposed to the salvage contract.

Mr. Streator advised the towing and storage contract is when a vehicle is towed whether from a crash or an arrest or an abandoned vehicle and then stored on the towing company's lot. He said with the salvage contract, it could be a situation where no one has claimed the vehicle over a period so then the City has the ability to dispose of the vehicle properly.

5. ORDINANCE NO. 101-24 – TO APPROVE A CONSTRUCTION CONTRACT CHANGE ORDER FOR THE AVON FIRE TRAINING TOWER PROJECT Mr. Streator
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Streator advised this legislation is to authorize a change order to the training tower project currently underway at the Fire Station. He said as the construction was taking place, there was some required replacement of the concrete in the back and a new storm sewer had to be installed. Mr. Streator stated it was also recognized that a large amount of the concrete also needs replacing as it is broken up like the front of the Fire Station was several years ago. He advised this is a large section of concrete in the rear of the building, especially in the middle where they will be setting up the engine and the ladder truck for training purposes. Mr. Streator said the company that is currently doing the construction and concrete work for the fire training tower wanted to see if it was feasible for them to do the work while they are still on site, thus getting a better price rather than hiring a separate company in the spring. He stated the company doing the concrete work for the fire training tower gave a price of \$145,090.00 for the additional replacement concrete work. Mr. Streator advised while doing that work, they are also looking to add a little section behind the fire station toward the fence to the south to increase the parking availability in the back of the Fire Station because they will be losing some parking where the fire training tower is being built.

Mr. Fischer asked how many parking spaces are being lost and how many will be gained.

Mr. Streator advised they are losing three parking spaces, and they will be gaining about five parking spaces. He said the sections of concrete in the center are the ones that are severely damaged and need replaced.

Mr. McBride advised he knows that concrete is relatively old now, but he asked if there was a root cause as to why that concrete failed.

Mr. Streator advised in talking to the company doing the concrete work at the site now, they surmise that the base is what is causing the concrete to fail. He said it has been crack-sealed a number of times. Mr. Streator stated there has been some speculation as to whether it was workmanship at the time by the company that installed it, or similar rumors and he did not know for certain as that was before his time. He said they know that the concrete has sunk down in the center area as three of those concrete slabs have sunken considerably and causes water to lay there and with freezing and thawing it was only going to make it worse.

Mr. McBride asked if Mr. Cummins has weighed in on what needs to be done.

Mr. Streator advised he is working with the contractor for the fire training tower as well as the architectural firm that is working with the City.

Mr. McBride asked who the subcontractor is that is working for Infinity.

Mr. Streator advised North American Cement is the subcontractor.

Mr. Fischer asked if the cracking happened recently or was it before or after Council approved the fire training tower or was this something that was not anticipated.

Mr. Streator answered it was not anticipated. He said they are trying to get the fire training tower completed, but it became obvious once the one area was replaced then the rest became even more noticeable. Mr. Streator stated they knew they were eventually going to have to address this issue.

Mr. Radcliffe asked if this change order came about because they were starting construction to install the fire training tower and they started cutting the concrete to put in footers or the like and that caused it to crack.

Mr. Streator advised no and explained that where the storm sewer line was run to connect it to the south, a section of concrete had to be cut out, which was planned as a part of the project. He said it was after the new section of concrete was poured trying to match up to old sections that were already cracked when the change order proposal came about.

Mr. Radcliffe asked for clarification that the replacement concrete that is a part of the fire training tower project has already been done, but now the concrete around that planned replacement area failed so now the whole area needs to be redone.

Mr. Streator advised that is correct.

Mr. Radcliffe said it seems like an awfully lot of money.

Mr. Streator said they kept going over options of where to stop with new concrete abutting old concrete. He stated they knew that whole center section was bad and that they would need to address replacing it eventually, but the thought was to have it replaced while the contractors were onsite rather than bringing a company back out in the fall, which would be even more expensive.

Mr. Radcliffe stated it just seems like a big miss of the project costs.

Mr. Streator explained it was not part of the original project, but after the new section of concrete was installed, it became obvious.

Mr. Fischer agreed with Mr. Radcliffe that it was probably something that should have been looked at for the whole project. He said he knows that it probably needs to be done, but felt it was something that should have been planned for with the whole project.

Mr. Fischer asked how many parking spaces are available right now in total.

Mr. Streator said he does not know the total number of parking spaces off the top of his head. He stated the Fire Department has created parking spaces in the grass area in the corner in an attempt to fit especially with construction going on.

Mr. Fischer said he is trying to figure out the number of parking spaces available as opposed to the number of employees that are parking there per day. He asked if parking was currently a problem at the Fire Station.

Mr. Streator answered yes, especially at a shift change which is when they really run into parking issues. He added since the Fire Department will be utilizing the area behind the tower for training, they would like to get those parked vehicles out of the way.

Mr. Radcliffe asked where the money was coming from to fund this change order. He said the project was originally a certain amount and it was added to and now this change order.

Mr. Presley advised the fire training tower itself and the area around it that was directly identified in the original contract is coming out of the Fire Equipment Fund. He said this additional concrete work is repair and maintenance of a general property since it is a parking lot that is already in existence that is not necessarily a part of the fire training tower. Mr. Presley stated he and Mr. Streator do not believe that the Fire Equipment Fund should be paying for what would be a general parking area. He explained they are taking these additional funds needed out of Repair and Maintenance of Public Facilities. Mr. Presley advised there is a Supplemental Appropriation as the immediate next agenda item (Ordinance No. 102-24) for the additional \$100,000.00 because there is some money available in the Repair and Maintenance of Public Facilities, but they do need this additional money to be able to handle this entire change order.

Mr. McBride commented that most currently on City Council do not know that the front pad of the Fire Station was completely replaced after it was initially installed because the concrete was bad and supposedly that was rectified. He said it does not surprise him that the rear area is not in great condition. Mr. McBride advised it is great that there is an architect on the project and Infinity is generally a good CMAR (Contractor Manager at Risk), but he felt it would behoove the City if Mr. Cummins reviews it. He said he does not know if that rear concrete pad is as thick as it should be. Mr. McBride felt that even though an architect has reviewed it, and it is approved and ready to go, it would be nice if Mr. Cummins could just take a quick look. He stated once the concrete has been assessed then someone needs to look at the soil underneath to make sure something else does not need to be done. Mr. McBride advised the last thing the City wants to deal with is installing concrete and then end up with bad concrete in ten years or less. He said he does not know the point load on an aerial fire truck is or the design mix for the concrete, but he felt someone needs to look at all that, so they are not throwing good money after bad at this point.

Mayor Jensen advised Mr. McBride knows that at the time when the Fire Station was being built there was very limited oversight of that project, and it would be different this time around. He said at the time the concrete at the Fire Station was originally poured, he believes there was a discrepancy between the Building Department and the City, and the Building Department was taken off that project. Mayor Jensen stated this time it will be inspected and there will be oversight on the project. He agreed a lot of this old concrete has a lot to do with what happened with the front of the building and figuring out the right time to replace it, is the big question. Mayor Jensen indicated since the fire training tower is currently being built, they would hate to finish that project and start another one in the spring but were trying to get the work done all at one time. He said the parking would not even be a part of the discussion if they were not doing the other portion of the project because there were some open spaces and it was decided they might as well just add concrete while they are replacing the failed concrete to add a few more parking spaces even though they may not be necessary today, they will be used.

Mr. Fischer agreed this will be an improvement to the site and the fire training tower area, but he felt this added cost should have been foreseen and included in the original budget for the project.

6. [ORDINANCE NO. 102-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS](#) Mr. Presley
To Be Addressed at a Special Meeting Immediately Following this Work Session

Mr. Presley advised as he mentioned in the previous agenda item, this expenditure is tied directly to the change order just discussed. He said the funds are being taken out of the General Fund under repair of Public Buildings and Properties (see below).

General Fund No. 101 Increase Facility Maintenance by \$100,000 as the original budget is insufficient to complete the year. Total Increase in Fund 101 \$100,000.00 Grand Total of All Supplemental Appropriations \$100,000.00.

7. [ORDINANCE NO. 103-24 – TO AMEND AND SUPPLEMENT APPROPRIATIONS](#) Mr. Presley

Mr. Presley advised this supplemental appropriation was added separately from the previous agenda item as it is more operations related. He stated since Council will consider passing Ordinance No. 102-24 tonight at the Special Meeting, he did not want Council to feel that the following amendments to the appropriations had to be rushed through, or if there were any questions relative to them, so he separated them for that purpose. Mr. Presley said a lot of these items are supplemental appropriations relative to wages/salary/benefits in various departments, such as if a department had additional hours worked. In the case of the Police Department, there was some retrospective salary increases for all the bargaining units, which was the major portion of that \$419,000. In the Senior Programs Fund, there was additional hours worked representing that \$25,455, which includes not only the hourly rate, but also the OPERS and the Medicare portion that must be paid and the reason it is broken out in Wages and Benefits. Under the Recreation Fund, there was again additional hours worked by part-time employees throughout the summer that was not included in the budget. Under Capital Improvements Water Fund, is for the painting of the water tower that Council approved. The Tax Increment Financing Fund of \$30,000 is for the TIF accounting and fees from MAS Financial Advisory Services that were not included in the original budget even though they were discussed in the budget meeting held last November. Mr. Presley said regarding the City Income Tax Fund, it is a good thing because we have to pay RITA the additional 3.5% as the City is over the

estimated income tax collections by 6.2% and a 3% increase was budgeted for 2024 and is a positive for the City even though the Regional Income Tax Agency has to be paid a retainer.

General Fund No. 101

Increase Council Wages/Benefits by \$10,000.00 as the original budget is insufficient to complete the year.

Total Increase in Fund 101	\$10,000.00
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Police Fund No. 221

Increase Wages by \$419,100 as the original budget is insufficient to complete the year.

Total Increase in Fund 221	\$419,100.00
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Avon Seniors Fund No. 230

Increase Wages and Benefits by \$25,455 as the original budget is insufficient to complete the year.

Total Increase in Fund 230	\$25,455.00
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Recreation Fund No. 249

Increase Part-Time Wages and Benefits by \$30,320 as the original budget is insufficient to complete the year.

Total Increase in Fund 249	\$30,320.00
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Capital Improvements- Water fund No. 303

Increase Water Tank Project by \$420,000 for the painting/sealing of the Detroit Road Water Tower.

Total Increase in Fund 303	\$420,000.00
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Tax Inc Financing Fund 305

Increase Misc Contract Services by \$30,000 as it was not included in the original budget.

Total Increase in Fund 305	\$30,000.00
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City Income Tax Fund No. 241

Increase RITA FEES by \$72,750 as the original budget is insufficient to complete the year.

Total Increase in Fund 241	\$72,750.00
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Grand Total of All Supplemental Appropriations	\$1,007,625.00
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8. [ORDINANCE NO. 104-24](#) – EXTENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, SPECIAL USE AND/OR BUILDING PERMIT APPROVALS FOR THE ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF CAR WASHES AND SELF-STORAGE FACILITIES WITHIN THE CITY OF AVON
Ms. Fechter

Ms. Fechter advised she and Mr. Gasior have had a lot of conversations regarding the number of storage facilities and car washes in Avon. She said they looked at how some other cities are regulating this issue. Ms. Fechter stated she worked with the Zoning Enforcement Officer to come up with a locations of all the existing car washes and storage facilities in Avon. She advised they will be giving that information to the City Engineer, Mr. Cummins, so that he can create some zones to see these existing locations and whether Avon is oversaturated in those areas and give City Council a better picture to determine how to move forward. Ms. Fechter said they hoped to have that work done in the next couple of months to bring it to Council.

9. ORDINANCE NO. 105-24 - TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE LORAIN COUNTY BOARD OF COMMISSIONERS AND THE CITY OF AVON TO EXTEND PARTICIPATION IN THE LORAIN COUNTY WENS EMERGENCY NOTIFICATIONS SYSTEM Mr. Streator

Mr. Streator advised this legislation authorizes the Mayor to enter into this contract which is the current system already be utilized by the City for the community. He said it also allows the City to utilize the system in the Safety/Service Departments with the ability to text through the system to different groups within that. Mr. Streator stated it is used in a multitude of ways by the City and basically the County has negotiated with the Company to get a rate and then it is broken up by each Community.

10. RESOLUTION NO. R-27-24 – TO RE-SCHEDULE COUNCIL’S SECOND REGULAR MEETING IN THE MONTH OF DECEMBER 2024, CURRENTLY SCHEDULED FOR MONDAY, DECEMBER 23, 2024, TO MONDAY, DECEMBER 16, 2024, IMMEDIATELY FOLLOWING THE WORK SESSION OF COUNCIL Mr. Fischer

Mr. Fischer advised this is his request because of the December holidays and where they fall on the calendar. He noted there would be a double meeting on December 16th with a Work Session followed by a Regular Meeting that same night. Mr. Fischer indicated this will allow for vacations and holiday travel and time with families. He stated he would appreciate Council’s approval of this Resolution, and he did not foresee any problem as long as all the end of the year agenda items can get taken care of and passed by December 16th.

11. REPORTS AND COMMENTS

MAYOR JENSEN advised in connection with the proposed re-scheduling of the December 23rd Council Meeting, he noted that he may be asking for a couple of Special Meetings to have a reading of the legislation as a precaution to make sure all the readings are accomplished because of absences due to vacation and the holidays or if a Council Member should become sick and need to miss a meeting. He said he would rather not get to the end of December and unexpectedly have to call a Special Meeting to get something passed by the end of the year. Mayor Jensen indicated this will also allow time if there are any questions before items get passed.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE had no comments.

MRS. DEMALINE, WARD 1 was absent.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MS. PATTON, AT LARGE had no comments.

MR. RADCLIFFE, WARD 4 had no comments.

MR. FISCHER, AT LARGE encouraged everyone to get out and vote.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER had no comments.

MS. FECHTER, PLANNING/ECONOMIC DEVELOPMENT COORDINATOR said on Saturday, November 2nd, there was a ribbon cutting for Woodforest Furniture located at 37211 Colorado Avenue, next to Dairy Treat, specializing in Amish handcrafted furniture. She hoped they get a chance to visit the store and said they have done an amazing job renovating the entire building with the house yet to be renovated. Ms. Fechter

advised the parking lot is cleaned up and paved in the back and she is really excited to see them open and there was a good turnout for the ribbon cutting.

Ms. Fechter said later that same day there was the ribbon cutting at Coopers Hawk, 35351 Chester Road, an upscale casual restaurant. She stated everyone is excited they are now open and here in Avon and it appears there has been a constant flow of patrons since they opened, and she hoped they would visit soon.

MR. GASIOR, LAW DIRECTOR advised a draft ordinance was passed out for Council's review. He said the Parks Department is trying to get their fees set for the pool for the 2025 season. Mr. Gasior stated some increases were discussed and there are a couple of special rates suggested for the tenth anniversary of the pool. He noted he wanted to get it in front of Council tonight as it came to him late this afternoon and with the scheduling for the rest of the year, they may not have enough Council Members present on November 25th to get legislation passed, so he would like Council to consider passing it next Monday night at the Regular Meeting on November 11th if everyone is good with proposed rates.

Mayor Jensen advised the new rates are listed in the draft ordinance and since this is the tenth anniversary, it was proposed to him to give a discount if passes are purchased on the tenth of the month over the course of three months, which is three days where the rates will be at the old rate. He said there is a renewal rate price if passes are purchased at Christmastime through the first two weeks of January to rollback prices to encourage people to renew their passes and celebrate the tenth anniversary of the pool. Mayor Jensen added there is a bit of a benefit for those who renew their passes before the 17th of January. He said everything else he felt was self-explanatory and if Council has any questions before next week's meeting they should feel free to reach out to him, Mr. Presley or Ms. Harasimchuk. Mayor recapped that it was a little bit of an increase in one area and then a rollback to celebrate ten years of the pool being open.

Mr. Gasior asked the Clerk to send Mrs. Demaline a copy of this draft ordinance since she is absent.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR advised to keep Council updated on the statistics from the Fire Department, he reported that in October there were 306 rescue calls, which is up a little bit from this time last year, and 79 fire calls, which is also up since last year. He said if these numbers trend for the rest of the year, they will be well over the numbers for the Fire Department last year. Mr. Streator noted the other day there were five calls at one time and the Fire Department is busier with all the growth in the community.

Mr. Streator advised the leaf pickup started on Monday and is going smoothly so far, and it will continue until all the leaves have been collected, weather permitting.

12. AUDIENCE:

There were no comments from the audience members.

13. ADJOURN: 8:02 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