

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE  
CITY OF AVON, OHIO HELD MONDAY, OCTOBER 2, 2023  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

**PRESENT:** Council Members: 1<sup>st</sup> Ward – Jennifer Demaline; 2<sup>nd</sup> Ward - Dennis McBride; 3<sup>rd</sup> Ward - Tony Moore; Council-at-Large – Craig Witherspoon; 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 Streater; Clerk of Council – Barbara Brooks

**ABSENT:** Council-at-Large – Tammy Holtzmeier; 4<sup>th</sup> Ward - Scott Radcliffe

1. ORDINANCE NO. 104-23 – CONSENTING TO AN ENTERPRISE ZONE TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF AVON, THE BOARD OF LORAIN COUNTY COMMISSIONERS, ADVANCED POLYMER COATINGS, INC., AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF AVON TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH THIS ENTITY AND AUTHORIZING AND DIRECTING THE CLERK OF COUNCIL TO TRANSMIT A CERTIFIED COPY OF THIS ORDINANCE ALONG WITH THE ENTERPRISE ZONE AGREEMENT TO THE BOARD OF LORAIN COUNTY COMMISSIONERS FOR FURTHER CONSIDERATION BY THE BOARD Mr. Gasior

Mr. Gasior advised this is a tax abatement agreement that was discussed on September 5, 2023, in an Economic Development Committee Meeting. He said the agreement has the 75%, 75%, 75%, 50% abatement for the ten years. Mr. Gasior stated the committee was in favor of recommending that scale of percentages to City Council and that is what is before them tonight.

Mrs. Demaline advised she believes that it was discussed in the Economic Development Committee Meeting that Council Member Mrs. Holtzmeier asked for a listing of all current tax abatements. She asked if that was provided.

Ms. Fechter advised she verbally gave Mrs. Holtzmeier all the information and did not realize that she wanted it in writing.

Mrs. Demaline advised she would like that information and asked if it was possible for Ms. Fechter to share that information with her.

Ms. Fechter said sure, but if they look at the minutes from that Economic Development Committee Meeting, all of them are listed in the minutes. She stated she could provide Mrs. Demaline a separate list before the next meeting.

Mrs. Demaline said that would be great and she thanked Ms. Fechter.

2. PUBLIC HEARING – TO HEAR PUBLIC COMMENTS FOR ORDINANCE NO. 104-23 – PURSUANT TO ARTICLE IV, SECTION 16, OF THE CHARTER OF THE CITY OF AVON FOR TAX ABATEMENT THROUGH AN ENTERPRISE ZONE AGREEMENT FOR ADVANCED POLYMER COATINGS, INC. Mr. Fischer

Mr. Fischer opened the Public Hearing at 7:32 p.m. to hear public comments for the tax abatement request pursuant to Ordinance No. 104-23.

There being no comments the Public Hearing was closed at 7:34 p.m.

3. [ORDINANCE NO. 105-23](#) – GRANTING A SPECIAL USE PERMIT TO PAUL B. DONZIS, (dba ARBY'S #7895), TO EXPAND AND RECONSTRUCT THE CURRENT DRIVE-THRU TO INCLUDE TWO DRIVE-THRU ORDER POINTS TO BE LOCATED AT 1331 CENTER ROAD Planning Referral

Ms. Fechter advised Arby's has decided to renovate their entire facility inside and out. She said they are doing a complete remodel on the inside to make things a lot more efficient. Ms. Fechter stated on the outside there are currently eight drive-thru stacking spaces, but with the addition of the window they would have eleven stacking spaces. She advised everything is up towards the east edge of the property and they would see those stacking spaces and the lines come together as one and then before arriving at the order board, there are ways for the motorists to exit the drive-thru line if necessary. Ms. Fechter noted on the drawing that the two lanes become one lane and there is a bypass throughout that whole area and before arriving at the order board.

4. [ORDINANCE NO. 106-23](#) – GRANTING A SPECIAL USE PERMIT TO T3 REALTY II, LLC TO ALLOW FOR CONSTRUCTION OF A 4,755 SQ. FT. BUILD-OUT FOR THE CREATION OF TWO (2) EXTERIOR VOLLEYBALL COURTS AND AN OUTDOOR DINING PATIO FOR PROPERTY LOCATED AT 1945 RECREATION LANE Planning Referral

Ms. Fechter displayed a drawing that depicted in between the two buildings at T3 and said there is T3 building one and building two is currently under construction. She advised they were asking for four volleyball courts, there were two existing, and they are building two new ones and to make them legal with the Special Use Permit, they wanted to include all four volleyball courts. Ms. Fechter said they are also proposing an outdoor patio for Avon Brewing Company that will have forty-eight seats. She reiterated that the Special Use was for their outdoor seating and their outdoor recreation.

Mike D'Andrea, owner of T3 Performance at 1945 Recreation Lane, advised they are adding two additional sand volleyball courts and adding the restaurant/café portion, which is shown on the bottom left of the site plan. He said with that restaurant/café there would be an outdoor the patio area. Mr. D'Andrea stated the idea was to be able to offer volleyball skills training and some camps and clinics.

Ms. Fechter advised the restaurant and patio will be open only during the time that the facility is open.

Mr. Fischer inquired as to how the liquor license would work for this location. Does it transfer over or does T3 handle it or does Avon Brewing Company?

Mr. Gasior advised that was a matter for the Ohio Division of Liquor Control. He said Liquor Control will have to identify the liquor premises and they probably will include the area as a liquor premises so that a patron could have an open container on the patio.

Mr. D'Andrea stated he believes the Avon Brewing Company is going through that process.

Mr. Gasior advised he would assume it would be a transfer of the license since ABC already has a liquor permit at the French Creek Tavern location.

Mr. Fischer asked if they would need to apply for a new liquor license for a new location.

Mr. Gasior advised he does not know for certain. He said he has not seen any request come through for a T3 transfer or otherwise yet. Mr. Gasior stated he assumes they have a license, but the City has not been asked to sign off on a T3 transfer.

The Clerk confirmed she has not received anything yet from the Division of Liquor Control.

Mr. Moore asked if the alcoholic drinks would only be allowed in that section or would people be allowed to go throughout the facility.

Mr. D'Andrea advised the alcoholic drinks would be limited to that area meaning the restaurant and patio. He said they would have signs posted.

Mr. Gasior advised this is not relevant to this Special Use, but the City does have sanitary sewer main going through this area. He said the proposed patio would be situated on top of that sewer line and between Mr. D'Andrea's legal counsel and the Utilities Superintendent and himself, they have identified that it is going to be T3's responsibility for any expenses that would be incurred at either tearing out the patio to access the sewer or replace the patio after the sewer has been accessed. Mr. Gasior stated all of that responsibility would fall on T3. He advised they do not have any plans to work on that sewer any time in the near future, but he wanted to put it on the record.

5. RESOLUTION NO. R-31-23 – TO ADVERTISE FOR BIDS FOR THE NORTHGATE SANITARY SEWER LATERAL REHABILITATION PROJECT Mr. Cummins

Mr. Cummins advised this is a continuation of the efforts to identify sanitary sewage flooding situations in the Northgate area that have been ongoing for a couple of years. He said this was in process even before the most recent August rain event that caused some flooding in that area. Mr. Cummins stated in working with the Utilities Department, they videotaped the connection lines throughout that area, and they have identified fourteen home connections for repair; whether that be deposits or a cracked pipe or root intrusion or dislocated joints. He advised this work will be an in-situ relining of those lateral connections so there will not be any digging up of the yard and this will repair them back to the right-of-way line.

Mr. Cummins said tonight they are asking for authorization to bid. He stated they would put a bid package together and secure public bids and come back before Council with the results and ask for authorization to award a construction contract.

Mr. McBride asked for clarification that the repair of the lining of the laterals will run from the sanitary sewer to the right-of-way.

Mr. Cummins confirmed it will be the sanitary sewer to the right-of-way.

Mr. McBride inquired if the homeowners have been notified that their portion of the sanitary laterals also has issues.

Mr. Cummins asked Mr. Bruce, the Superintendent of Utilities, if there has been a separate correspondence to these fourteen residences.

Brian Bruce, Superintendent of Utilities, advised they do not have any properties where there is an issue on both the public and the private side. He said there are some private properties that have been identified, but the City would be taking care of the public property areas within the right-of-way before they move into those, but they have identified some.

Mr. McBride said that was good news. He asked if any of the property owners have decided to install a check valve.

Mr. Bruce stated only a couple of property owners that he is aware of.

Mayor Jensen advised so that Council realizes, it is not a big problem in this area and this action is one of the steps in the process that helps in ensuring that the City's system is working properly. He said those who need to install check valves were in another area of the Northgate Subdivision, which is the lowest point of elevation where they believe properties should have check valves installed. Mayor Jensen stated they will keep working on other areas that the City may be able to improve or try to help residents with.

6. DISCUSSION OF PURCHASING AN AMBULANCE FOR THE FIRE DEPARTMENT Fire Chief Swope

Fire Chief Swope advised he was present to speak about purchasing a new ambulance for the Fire Department. He said the Department currently has three ambulances with the oldest being a 2017 with almost 100,000 miles on it. Chief Swope said they knew this was coming as they have been able to get 8-10 years life out of an ambulance since going to the bigger chassis. He stated normally the Department tries to rotate the squads out every ten years, but with the spike in costs and the longer wait time for parts and chassis, squad development is out about two to three years. Chief Swope advised somewhere in the two-to-three-year mark, if they purchase the ambulance today, the ambulance would be delivered. He said that process has been ongoing for about a year or so as the last squad they waited about two years. Chief Swope stated most manufacturers whether a fire engine, a ladder truck or an ambulance have been seeing at least two to three increases per year so this will lock the price in if ordered now until the delivery date. He advised the cost \$425,000 and is a freightliner chassis with an Excellence box, which is the same custom box that they have on the Department's other three squads. Chief Swope said this will be fairly identical to the other squads and not a lot changes so they are hoping to be closer to the two year mark for delivery because the oldest squad will be at eight years old and well over 100,000 miles at that point. He stated the Department's runs were going up about 7% a year and most of the squads are getting used around 1,000 to 1,500 calls per year.

Mr. Fischer advised 2024 budget discussions are coming up soon for Council and he asked if this purchase would be a 2024 budget item or was he looking for it to be sooner.

Chief Swope said he was looking to do it earlier than that. He stated the quote for the purchase price was good through October 1<sup>st</sup>. Chief Swope advised he spoke with the company, and they understand the process, so they are willing to extend that date in the short term. He said they have had the quote for about 60 days and he was shopping around a bit even though they really like the Excellence product, but he wanted to see if surrounding communities were having the same experience with the price increases that have been going on. Chief Swope stated he reached out to other manufacturers and other cities, and they are all in the same boat as it is about a 30% increase from what it was just two or three years ago, and the increase is 35% for a fire engine. He advised after confirming that, he took the quote to the Mayor and the Safety Director and in discussions with them it was decided to go ahead and get this done. Chief Swope said the squads are not getting used any less and since they can lock in the price, they would like to notify the company who can begin the search for a chassis and get the process started. He stated they did run into a couple of delays on the last ambulance purchased a couple years ago because the chassis are so hard to get.

Mr. Fischer asked Mr. Presley where this puts the City as far as budgets.

Mr. Presley advised what they would look at, if this is agreeable with Council, is he would have to do the supplemental appropriation for 2023 for the purchase of this ambulance because accordingly if the contract is going to be awarded, he has to have the funds appropriated. He said it would then become part of the 2023 current year budget. Mr. Presley stated what they will have to look at in 2024 is to maybe advance some funds over to the Fire Equipment Fund so that it can go through some of its normal purchases because this money would be appropriated and would be encumbered and would not be available for other budgetary items in 2024 or in 2025.

Mr. McBride asked as far as ordering the ambulance if the company wants 50% down payment or just a Purchase Order number.

Chief Swope advised a Purchase Order number was sufficient and then it would be paid in full on delivery.

Mayor Jensen reminded Council that encumbering the funds means that the City has committed to paying for it and they have to set aside the funds. He said if they wait until next year, it could be three years out from now before receiving the new ambulance. Mayor Jensen reiterated that they would not have to pay for it until it was delivered, but they have to encumber the funds as a guarantee of payment. He stated some of them might remember a ladder truck was purchased for the City of Elyria and it was three years out before delivery, but they had to encumber the funds when they ordered it. Mayor Jensen advised Chief Swope bringing this before Council

gives all of them an idea of how far out things are with ordering and receiving and they have to start the process well in advance.

Mr. Fischer advised he believes Council was in favor of approving it, he just wanted to make sure it is budgeted in the right way especially with the budget discussions coming up shortly.

Mrs. Demaline thanked Chief Swope for coming before Council tonight and she appreciates his forethought, and she understands the challenges that they are facing today. She advised the Ohio Bureau of Worker's Compensation has a Safety Intervention Grant and she was not sure if this was something the City has looked into previously, but it is a 3-1 match with BWC. Mrs. Demaline said one of the items that are fast tracked is the power cot loading system and the cots themselves. She asked Chief Swope if he was familiar with this grant.

Chief Swope answered yes, they have applied for this grant in the past. He advised the first power load system that the City purchased approximately seven years ago was through that grant. Chief Swope said they have not been awarded that grant since that time. He stated this purchase price does not include the power load system, so they have some time to reapply and try to get funding for that or other means.

Mrs. Demaline advised she knows that grant cycle is moving forward right now and the last she heard there were still grant funds available for this year and she wanted to bring to Chief Swope's attention the opportunities that might be available as they look to outfit this ambulance and help offset some future costs.

Chief Swope thanked her and advised they have used a grant writer in the past and have been awarded items such as SCBA's and some EMS supplies and they are continually looking out for those opportunities, and he appreciates her bringing it up and he would look into it and see where they stand.

Mayor Jensen advised typically there is a time limit of having to use the funds awarded. He said sometimes when delivery is that far out, they have to wait to apply when the time is closer.

Mr. Gasior advised Council may be wondering why there is no legislation to seek bids, but explained this is a State bid item through the Department of Administrative Services. He said DAS bids this product and the best price that they receive is the price that the City will be paying for this ambulance.

Mayor Jensen asked Chief Swope to give a brief synopsis of the fire that occurred that morning at the residence on Camelot Way.

Chief Swope advised around 10:40 am this morning they had a call for a structure fire on Camelot Way called in by a neighbor. He said the neighbor saw some smoke coming from the house and the Fire Department responded with their typical complement of the ladder truck and the fire engine and then the mutual aid companies of Avon Lake, Sheffield Village and North Ridgeville. Chief Swope stated they arrived on scene and saw a large amount of smoke coming from the entire front of the residence. There was a dog inside and the neighbors had broken the windows to try to help the dog. That, in turn, possibly fed the fire, but they were trying to save the dog. He advised the Fire Department made entry very quickly through the front door, found the fire in the kitchen area and extinguished the fire. Chief Swope said the second crew with the ladder truck, went upstairs because while they heard there were no people in the house, they always do a search and to also look for the dog. He stated the fire was put out quickly, there was a lot of heat as newer homes are very sealed, which is good for the heating bill, but not so good for a fire, and it probably smoldered for a long time. Chief Swope advised the upstairs was extremely hot even though there was no fire seen in the upstairs. He said unfortunately the dog was found in the upstairs and did not have a positive outcome although they performed CPR and oxygen to the dog, but to no avail. Chief Swope stated the rest of the house was vented and they had to break the windows to get all the smoke toxic gases out and once the house was cleared the only fire was in that kitchen area. He advised the cause of the fire is still under investigation and the dog was the only one in the house and the family had only been gone for approximately 30 minutes and it does not seem like there is any foul play involved. Chief Swope said the Avon Police helped in cooperation with the owners to get the dog to a local veterinary clinic for cremation.

Mayor Jensen advised this is another way that shows how the City Departments all work together as well as other safety services with the mutual aid as he knows Avon Lake was present with their ladder truck as well.

Chief Swope advised it is common especially when they have to search a house that is filled with smoke that they rotate crews in since the oxygen they carry on their back is the only oxygen per firefighter. He said out of the five departments on scene, Avon Lake had to rotate in and Sheffield Village was the next in and they were on deck in a forward position and North Ridgeville would have been next in, but luckily the fire was out quickly enough. Chief Swope mentioned that Westlake helped with a squad and during that time Avon had two squad calls of their own and call-in personnel were able to handle those.

Mayor Jensen indicated while it was a sad outcome for the family's pet, it was excellent to see everyone working together. He thanked Chief Swope for the excellent work.

Mr. Fischer thanked Chief Swope.

## 7. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

### COUNCIL MEMBERS:

MRS. DEMALINE, WARD 1 asked for an update on the property located at 39016 Detroit Road on the corner of Moon Road and Detroit Road where there is a barn located across the right-of-way where sidewalks were to be constructed this year as part of the 2023 sidewalk program.

Mr. Gasior advised certified mail was sent to the owner of the property who lives in Texas, and there is a property manager that is located in the Cleveland area and certified mail was sent to the Cleveland address as well. He said the green cards came back to the City, but he has not received any phone calls and he does not have a phone number to call them. Mr. Gasior stated the letter advised the property owner that the barn needs to be moved as it is located within the City's right-of-way and the stone fence needs to be relocated as it too is in the City's right-of-way. He advised a drawing was provided to the property owner that Mr. Cummins prepared that identified the right-of-way and they were waiting to see if he receives any response to the letter. Mr. Gasior said after a couple of weeks if no response is received then he will send another letter out and if that fails then maybe they should put some machinery at the site and that might draw some attention.

MRS. HOLTZMEIER, AT LARGE was absent.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 reminded everyone that this Saturday, October 7, 2023 from 11:30 am to 2:00 p.m. was the second annual Arbor Day celebration at Every Child's Playground. He invited the community to attend.

MR. RADCLIFFE, WARD 4 was absent.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE advised he had a few residents ask him about what was going on at the Traxler property as they saw trees being taken down and parking being added, and he asked Mayor Jensen to update Council.

Mayor Jensen advised the Traxler property is across the street from the Early Learning Center and at this point because the bridge will not be able to be driven across, they wanted to open an area where people could park and walk across the bridge to access the open fields that will be the new park land. He said at the same time, they realize that during big football events they will allow it to be used for overflow parking. Mayor Jensen stated he would try to get Council the proposed layout of the site. He advised they are considering a one way in and one way out for the parking area, but they would be working with the Police Department to see what

will work best for that area to get traffic in and out of their safely. Mayor Jensen speculated it would open up approximately 50 parking spaces to use for the park and occasionally the schools could use it for overflow parking if needed and available. He said some have questioned the trees that have been taken down and if they look at the GIS of the property about ten years ago, they could see that it used to be an open area and most of it is brush overgrowth. Mayor Jensen stated Arborist, Mr. Varga was there to make sure the City preserved the best trees possible. He advised Council will notice if they drive by today that some of trees were removed away from the sidewalk so pedestrians could walk safely without the trees hanging over the roadway or the sidewalk. Mayor Jensen said the City crews have done a great job of initially clearing the property and there were big piles on the property of crushed blacktop that will be spread out for the base of the parking area. He stated he would try to get a layout to Council to show what the parking will look like once the entrance and exit are determined.

Mr. Fischer reminded Council that the next meeting would be held on Tuesday, October 10, 2023 as Monday, October 9<sup>th</sup> was Columbus Day and City Hall was closed.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER advised they appeared before the Ohio Public Works Commission, Division Nine NRAC Group on Friday morning September 29<sup>th</sup> to score our application for the Mikulic property acquisition grant application. He said the City was successful in that effort and secured \$800,000 to put towards the acquisition of that property. Mr. Cummins stated those funds will likely become available after the first of the year; similar to the Traxler and the Koosh properties and it was a good Friday morning.

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

MR. GASIOR, LAW DIRECTOR had no comments.

MR. PRESLEY, FINANCE DIRECTOR had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR reported that in September the Fire Department had 311 EMS calls and 58 calls for Fire. He said the EMS calls were up significantly. As the Chief mentioned earlier and it was getting busier all the time.

AUDIENCE:

There were no comments from the audience members.

8. ADJOURN: 8:07 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