

ORDINANCE NO. 123-24

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A
JOINT USE AGREEMENT BETWEEN LORAIN COUNTY COMMUNITY
COLLEGE (LCCC) AND THE CITY OF AVON TO FACILITATE USE
OF THE AVON FIRE TRAINING FACILITY
LOCATED AT 36185 DETROIT ROAD
AND DECLARING AN EMERGENCY**

WHEREAS, Lorain County Community College, (LCCC), is an instrumentality of the State of Ohio, created under Chapter 3354 of the Ohio Revised Code, whose address is 1005 N. Abbe Rd. Elyria, Ohio, 44035 and

WHEREAS, LCCC is interested in expanding their clinical site options for the Fire Science Program and will provide workforce development training for existing Fire Departments in Lorain County; and

WHEREAS, LCCC is interested in entering into a joint use agreement with the City of Avon for the use of the Avon Fire Department's Fire Training Tower located at 36185 Detroit Road as a training facility and as an additional location for experimental course instruction; and

WHEREAS, said utilization will provide realistic scenario-based training opportunities for students new to the fire service and seasoned students that are currently working in the fire service. and

WHEREAS, upon recommendation of the Administration, Council finds it to be appropriate and in the best interests of the health, safety, and welfare of the citizens of Avon to enter into the Joint Use Agreement with Lorain County Community College to allow access to the use of the Fire Training Tower.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City, through the office of the Mayor, is hereby authorized to execute a Joint Use Agreement with Lorain County Community College, in substantially the form as set forth in Exhibit "A" and incorporated herein by reference, allowing LCCC to use the Fire Training Tower located at 36185 Detroit Road as an additional location for experimental course instruction and realistic scenario-based training opportunities for students new to the fire service and seasoned students that are currently working in the fire service.

Section 2 - That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, health, safety, and welfare of the citizens of the City of Avon,

Ohio, the immediate emergency being the necessity to enter into a Joint Use Agreement with the Lorain County Community College for the use of the Fire Training Tower located at 36185 Detroit Road as an additional location for experimental course instruction prior to the completion of construction in order to obtain certain financial incentives; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: December 9, 2024 DATE SIGNED: December 9, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: December 19, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks
Clerk of Council

Posted: December 11, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 123-24, passed by the Council of said City on December 9, 2024.

IN WITNESS WHEREOF, I have on this 10th day of December 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio

EXHIBIT A TO ORDINANCE NO. 123-24

JOINT USE AGREEMENT

(For capital funds released to institutions for facilities not owned by the institution)

This Joint Use Agreement ("Agreement") is entered into by and between Lorain County Community College (LCCC), an instrumentality of the State of Ohio, created under Chapter 3354 of the Ohio Revised Code, whose address is 1005 N. Abbe Rd. Elyria, Ohio, 44035 and The City of Avon, a Public Body, whose address is 36080 Chester Rd., Avon, Ohio 44011.

WHEREAS, the 135th General Assembly enacted House Bill 2 which reappropriates ALI C38337, City of Avon Fire Training Tower Facility, the sum of One Hundred Thousand Dollars (\$100,000) via LCCC.

WHEREAS, the funds will be used to construct a new training facility located at 36185 Detroit Rd, Avon, Ohio 44011. Funds will be used for construction work.

WHEREAS, LCCC desires to expand their clinical site options for the Fire Science Program. In addition, LCCC will provide workforce development training for existing Fire Departments in Lorain County.

WHEREAS, Ohio Administrative Code §3333-1-03(E) requires a public institution to submit to the Chancellor of the Ohio Department of Higher Education a joint use agreement that contains the requirements in (E)(1)-(11) for review and approval.

WHEREAS, LCCC has demonstrated that the value of the use of the facility or equipment is reasonably related to the amount of appropriation through the worksheet included in this Agreement as Attachment A.

NOW, THEREFORE, in consideration of the mutual benefits hereunder, it is hereby agreed to between the parties as follows:

1. **Facility or equipment owned, to be built or purchased by nonprofit or public body.** The City of Avon Fire Training Tower Facility, will be new construction located at 36185 Detroit Rd. Avon, Ohio 44011. The City of Avon owns the land where the facility will be built.
2. **Use of the facility or equipment by public institution.** LCCC will use the training facility as an additional location for experimental course instruction. LCCC will also collaborate with the City of Avon to provide continuing education and workforce-based training for surrounding fire departments in Lorain County. The Avon Fire Training Facility will provide realistic scenario-based training opportunities for students new to the fire service and

Joint Use Agreement

seasoned students that are currently working in the fire service. The Training Facility has multiple floors and entry points to practice hose deployments, victim search, thermal imager training, hose and water dynamics, vertical and horizontal flow path dynamics, interior and external stairwell operations, ground ladder operations, bail out operations, vertical tool hoisting, attic operations, 360 degree size up practice, and more. (see attachment A). As applicable, the parties understand the Ohio Department of Higher Education (ODHE) program approval is a separate process, and this JUA does not exempt the College from seeking approval under ODHE rules.

LCCC and the City of Avon will work together to schedule space within the training facility and access to equipment as referenced in Attachment A, hereby incorporated. The term of the agreement is for at least 20 years from the time LCCC has access to use the training facility.

3. **Reimbursement of funds.**

The City of Avon shall reimburse the state if LCCC's use of the training facility is terminated by the City of Avon prior to the expiration of the 20-year term, which reimbursement shall be calculated by dividing the funds contributed by the state of Ohio by 20 multiplying that sum by 20 less the number of full years the center is used by LCCC.

4. **Use of funds.**

The funds will be used for construction of the new training facility and not for operating costs.

5. **Insurance for facility and hold harmless.**

The City of Avon has insurance for the new training facility and shall hold LCCC harmless from all liability for construction, operation, and maintenance costs of the facility.

6. **Compliance with federal, state and local law.**

The City of Avon will comply with all pertinent federal, state, and local laws as well as state administrative regulations.

7. **Competitive bidding.**

The City of Avon will follow competitive bidding procedures as outlined generally in Ohio Revised Code Chapter 153, for the portion of the construction that will be paid with State funds. The bidding procedure shall include, a minimum, published advertisements to seek bids, receiving sealed bids, and awarding contracts to the lowest responsive and responsible bidder for the construction of the new training facility.

8. **Appropriation administrative fee.**

LCCC will waive the allowed 1.5% admin fee for this project.

Joint Use Agreement

9. **Amendments.**

Any amendments to the JUA require approval by the Ohio Department of Higher Education and will be submitted to the Chancellor before any amendment takes effect.

10. **Payment.**

An approved Controlling Board request will release funds to LCCC. Funds will be reimbursed to the City of Avon after the City of Avon provides invoices or other evidence of expenditures for permitted uses of the capital funds. Such obligation must be properly documented to the reasonable satisfaction of LCCC.

11. **Terms and conditions of use.**

LCCC can use the City of Avon's training facility during the agreed upon hours once those dates and times have been scheduled and approved with the Avon Fire Department.

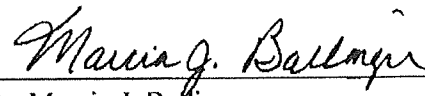
12. **Recitals.** The Recitals above are incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers as the last date indicated below.

City of Avon

Lorain County Community College


Name Bryan K. Jensen


Dr. Marcia J. Ballinger

Mayor

President

12/10/24
Date

11/25/24
Date

Joint Use Agreement
Attachment A
Worksheet

Project: City of Avon Fire Training Tower Facility

Date: _____

Section I: State appropriation information.

- | | |
|--|------------------|
| 1. Amount of state appropriation provided: | <u>\$100,000</u> |
| 2. Estimated annual debt service on the appropriation: | <u>\$8,025</u> |
| 3. Term of the state bond, in years: | <u>20</u> |

Section II: Estimated value of use of the facility.

Use(s) of the facility*	Annual value of use	# of years
a. <u>Student Experiential Learning – Fire Science Program</u>	<u>\$ 4,550</u>	<u>20</u>
b. <u>Workforce Based Continuing Education</u>	<u>\$ 3,640</u>	<u>20</u>
<u>Total Annual Value</u>	<u>\$8,190</u>	

The Avon Fire Training Facility will provide simulation training opportunities for enrolled students working towards a Fire Science degree or training for an individual who returns to take a continuing education course. The facility charges are based on comparable cost charged by the Elyria Township Fire Tower and Cuyahoga Community College.

**Joint Use Agreement
Attachment A
Worksheet**

Section III:

a. Student Experiential Learning – Fire Science Program

The total cost for facility and equipment rental is \$910/day during normal school days (fall/ spring semesters) and \$910/day during the summer semester. This covers the cost of the simulation area, 200 feet of fire hose and hydrant use, one 24-foot ground ladder, and one member from the Avon Fire Department to oversee the training facility and equipment use during the training. LCCC students from 2 fire courses (FIRE 134 & FIRE 229) will have use of the facility for 2 days per semester (Fall/ Spring) for a total of 4 days and 1 day during summer semester. Therefore, the annual cost would be \$4,550 (Calculation: 2 days/semester x 2 semesters x \$910/day and 1 day (summer semester) at \$910/day = \$4,550).

b. Workforce Based Continuing Education

The total cost for facility and equipment rental is \$910/day. This covers the cost of the simulation area, 200 feet of fire hose and hydrant use, one 24-foot ground ladder, and one member from the Avon Fire Department to oversee the training facility and equipment use during the training. LCCC students enrolled in continuing education courses will use the facility for 4 days per year. Therefore, the annual cost would be \$3,640 (Calculation: 4 days X \$910/day = \$3,640).