

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, SEPTEMBER 14, 2020  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

The Chairman, Council President Brian Fischer, called the meeting to order and led the Pledge of Allegiance.

PRESENT

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Anthony Moore; 4<sup>th</sup> Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Council-at-Large – Brian Fischer, Council President; Mayor - Bryan Jensen; City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – William Logan; Safety Director - Duane Streator; Clerk of Council – Barbara Brooks

CORRESPONDENCE

The Clerk advised she received a request from the Ohio Division of Liquor Control for a TREX Transfer of a C class permit from Viva Bene LLC dba Viva Bene located at 1<sup>st</sup> Fl & Loft & Bsmt at 219 N. Main Street, Suite A, Hudson, OH 44236 to Elysian Metanoia Corporation dba Pinspiration located at 34970 Detroit Road, Suite 0, Avon, OH 44011.

No questions were asked, or concerns raised.

MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE OF COUNCIL HELD MONDAY, AUGUST 10, 2020

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Economic Development Committee of Council held Monday, August 10, 2020, and to approve said minutes as published, 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.

MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, AUGUST 10, 2020

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, August 10, 2020, and to approve said minutes as published, 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.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, AUGUST 10, 2020

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, August 10, 2020, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

MAYORAL APPOINTMENT OF WILLIAM HRICOVEC TO THE BOARD OF ZONING AND BUILDING APPEALS

Per Charter Article VII, Section 1(a), this appointment requires the concurrence of two-thirds of the membership of the legislative authority.

A motion was made by Mr. McBride and seconded by Mr. Moore to concur with the Mayor's appointment of William Hricovec to the Board of Zoning and Building Appeals beginning October 1, 2020 to fill the unexpired term vacated by Kurt Schatschneider expiring December 31, 2023, and the vote was: Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Fischer, "yes".

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

MOTION TO TABLE ORDINANCE NO. 74-20 – AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD (Mrs. Holtzmeier – Sponsor)

Mrs. Holtzmeier advised in asking for this item to be placed on the agenda there were a couple of questions she would like to have answered which causes her to ask for this Ordinance to be tabled. She asked for the date that NOACA has for their hard deadline to hear from Avon about accepting that TLCI grant.

Mr. Cummins advised the City received a letter back in April from NOACA officially notifying the City that we have received that grant.

Mrs. Holtzmeier asked what is NOACA's deadline to hear from the City.

Mr. Cummins advised there is no deadline that he is aware of. He said the City received a letter dated April 6, 2020 made out to Mayor Jensen from Grace Gallucci, Executive Director of NOACA.

Mrs. Holtzmeier advised she is familiar with that letter. She asked if it would be reasonable to expect that NOACA would want an answer from the City before the end of their fiscal year, which is June 30, 2021, the same as the State's fiscal year.

Mr. Cummins advised no, he does not believe so. He said he has not received any instructions requesting such a response. Mr. Cummins stated he has spoken to NOACA officials and they have not stated that response and he has spoken to ODOT officials. He said it is a project that has been green lighted by the official letter dated April 6, 2020 and turned over to ODOT to proceed in accordance with their process.

Mrs. Holtzmeier advised if she is hearing right then there is not a hard deadline with which the City has to be under the gun to accept this or not.

Mr. Cummins advised not to his knowledge.

Mrs. Holtzmeier advised so there is time. She said this is a project that would not break ground by all accounts until 2022 at the earliest and most likely not until 2023, which is three long years from now. Mrs. Holtzmeier asked what the hurry would be. She said plenty of residents have told them that they are for a trail and plenty of residents have told them that they are against a trail. Mrs. Holtzmeier stated hearing the two sides out, which they have been able to do, is when they really are able to gain perspective. Mrs. Holtzmeier advised that brings us to the motion to table, which is in front of them now. She said to bring Council up to speed, last week she asked our Law Director and Mr. Cummins, our Administration's Engineer, to craft an alternative piece of legislation for our consideration. Mrs. Holtzmeier advised they had some long good phone calls and they talked about how this alternative legislation would be a compromise that would in essence cost taxpayers less money. Even without a grant covering part of the steep \$1.1 million price tag, this alternative legislation should aim to cost taxpayers less. It would shorten the scope from a 1.6 mile long project down to 1 mile, which when it is measured out goes straight from the Sheffield border to North Long Road. The alternative legislation would make it phase 1 of a longer project to be determined, whose scope was yet defined, but considered in our bicycle and pedestrian master plan. Why would it be read like this? Should an opportunity come up that we could acquire easements or from that master plan that would support having a trail within it, like the railroad tracks or along the French Creek proper. Those projects would move up in the priority list and want our funding and our attention more if it was an opportunity to purchase land. She said she asked the City Engineer to develop a preliminary cost estimate for the shortened scope and to amend Ordinance No. 74-20 to reflect that shorter distance of one mile. Mrs. Holtzmeier advised the City Engineer and the City Law Director, to their credit, were up for the task and were willing to spend the time so that there would be an alternate option for Council to consider. She said on Friday she received a call from the Law Director and the Council President was also a part of that call. Mrs. Holtzmeier said that Mr. Gasior advised her that there would not be enough time to properly amend an Ordinance for Council's consideration tonight, but recommended instead the Ordinance be tabled to allow for proper vetting of a shorter scope including learning what percentage of the TLCI grant could be applicable as that was an important part of the decision making process. She asked where are we today? Mrs. Holtzmeier advised she has heard some members think if they get the survey done that this project could substantially change; it will not. She said she hopes no one here is that naïve to think that once Council gives our engineer the green light to survey that the results are going to look much different from what you see in this Ordinance. It is \$1.1 million of cost and it is three pages of detailed maps. The grant that is attached to it comes from federal funding sources so the project must follow ODOT plan development process. In the end, when these kind of projects happen, it may end up costing more than \$1.1 million. One thing that is consistent with ODOT projects is that cost will certainly not go down. The scope is not going to change a lot from what is in this Ordinance today. Saying yes to tabling this Ordinance as an alternative, shows that this body has fiscal discipline. Fiscal discipline is not just saying yes to spending a dollar amount that is asked of us, especially when it is over \$1 million, like today. Fiscal discipline is to pursue answers to three answers to three critical questions that have come out of this debate and yet remain unanswered, which is why they need it tabled. 1. What is the cost of a one mile scope? 2. What TLCI grant dollars would be available to Avon with this smaller scope and smaller price tag? Would it be the same percentage of match that the City is getting now? Would it be higher or lower or none at all? They need to know. 3. Does breaking this project into phases allow the City to pursue grant opportunities from other sources they have yet to tap? Such as the ODNR trail grant, the Clean Ohio trails program, and the Land and Water

Conservation Fund to name a few that are listed as possible alternatives in the City's master plan. They all know that they must have the fiscal discipline to find out. Saying yes to tabling this Ordinance shows that this body has patience. Patience to self-regulate and use the time at their discretion, whether a month or before the end of the year or before the State's fiscal year on June 30<sup>th</sup>, to give them the opportunity to seek something greater. Patience allows for a short period of study to discern an alternative solution and find out answers to those three questions she posed. They can then come back and vote as to which is the better plan for Avon. Would you rather have an informed choice? Or do you prefer perhaps an artificial deadline that is not tied to anything other than wanting to move forward. Lastly, saying yes to tabling this Ordinance shows that this body can compromise. Compromise to find a workable solution for all residents and it shows that they are listening to the residents concerns both pro and con. If you do not care about the trail on French Creek Road today, you might care about a future trail on Bentley Drive or Detroit Road or Schwartz Road or Jaycox Road. How they compromise to set this trail today in Avon, sets a precedent for how trails are going to be carefully planned and thoughtfully installed in this community in the future. Let us show the people that have elected them that they have fiscal discipline, patience and compromise. She felt they owe it to the taxpayers to do better.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Butkowski to table Ordinance No. 74-20, and the discussion was:

Mayor Jensen advised he would like to go over some of the things Mrs. Holtzmeier mentioned and agreed it is good discussion for everybody to hear these things. He wanted to make everyone aware and remind everyone just how long they have been in discussions for this project. Mayor Jensen stated he reached out to NOACA today and spoke with Randy Lane who is also a resident of the City of Avon, and asked him if the City is obligated to do this project if this Ordinance is passed and moves this project forward. He advised that Mr. Lane confirmed there is no obligation and he also said that without moving forward they cannot look at the project and determine which side of the street the trail should go, but also to go forward provides an opportunity to look at what has been brought out of these discussions and to have more discussions with residents. Mayor Jensen advised they can have more discussions to talk about the recommendation of which side of the street the trail should be located, but they cannot do that without moving forward first. Mayor Jensen stated as mentioned, there is more grant money available such as a CMAQ (Congestion Mitigation and Air Quality) funding, there is a TAP (Transportation Alternative Program) funding and there is funding from ODNR. He said he is in no position to recommend to Council that they move forward with a million dollar project without being able to get more funding and financing. Mayor Jensen advised when the project goes out for bid is when it becomes a hard deadline. He said once the City goes out for bid for this project the City cannot change the scope of the project. Mayor Jensen stated that Mrs. Holtzmeier said she is in favor of the project going to North Long Road and that is a possibility, but the City would have to go back to NOACA and ask for an amendment to change the scope of the project. He said that can be done anytime up until the City goes out for bid. He said that Mrs. Holtzmeier mentioned phasing the project and that is another good idea, but they would have to amend the application to phase the project differently. Mayor Jensen felt there are things they need to look at because the cost is so substantial and without more grant funding, he would not recommend the project go forward. He advised this project has been talked about for a long time as far as what residents want and he felt they owe it to the residents to move forward and it does not obligate the City and Council. We still have the right to say that it is not working if they find out that it should not move forward, but he indicated if they do not take this step they were never going to find out. Mayor Jensen advised he does not know of anyone on

Council, including Mrs. Holtzmeier, that is saying they do not want the trail at all, and they cannot discuss it further by not moving forward. He stated community input will continue if this legislation is moved forward once the results are presented from engineering.

And the vote was: Mr. Radcliffe, “no”; Mr. Witherspoon, “no”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “no”; Mr. Moore, “no”; Mr. Fischer, “no”.

The vote was 2 for and 5 against and the Chairman declared the motion failed.

ORDINANCE NO. 74-20 – AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION GRANT

The Clerk read Ordinance No. 74-20 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL ALONG THE ENTIRETY OF FRENCH CREEK ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITITES INITIATIVE (TLCI) IMPLEMENTATION GRANT AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 74-20.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 74-20, and the discussion was:

Steve Balmert of 38475 French Creek Road said he had some questions for Mayor Jensen and he asked if they wanted him to speak privately about it with the Law Director.

Mayor Jensen advised they are transparent so he could go ahead with his comments.

Mr. Balmert mentioned that all of City Council should have received emails from him that were sent last night explaining his point of view on this Ordinance. Mr. Balmert said one issue he has is the wording in the legislation about the City Engineer and the firm that is going to get the contract to do the engineering as they are one and the same. He advised he would like to know why it is not a conflict of interest that the City Engineer is a partner in the engineering firm that the City is hiring. Mr. Balmert felt that based on reading the special engineering code of ethics conduct that it explicitly states in OAC 4733-35-05 (F) that this is potentially a conflict. He said that is his basic issue with this Ordinance with the way it is written. Mr. Balmert stated the City hired the engineer, he performs the engineering as the Avon City Engineer, he adds his Chagrin Valley Engineering hat on and works with his partners to do stuff that he could have been doing as the City Engineer and then he turns around and gets the documentation from CVE and presents it to Council with his stamp on it stating both Chagrin Engineering title and the City of Avon Engineer title. He continued saying by ethical conduct Mr. Cummins should recuse himself as being able to sign off on any documentation. Mr. Balmert stated he and Mayor Jensen spoke earlier that day and they agreed to disagree on this subject and felt it should be turned over to legal to indicate if the City is violating any laws. He asked how do they know what hat Mr. Cummins is wearing at that time and

how do they know if the engineering is done correctly since he felt Mr. Cummins is approving his own engineering.

Mr. Gasior said there really is not a problem here. He advised he reviewed the Ohio Administrative Code Chapter 4733-35-05 subsection (F) and he paraphrased, "A retained public engineer shall not approve work he performed on behalf of another client". He asked who the other client is in this case. Mr. Gasior stated Mr. Cummins under Ordinance No. 118-19 was hired by the City of Avon along with his firm Chagrin Valley Engineering; they are one and the same. He advised Mr. Cummins is Chagrin Valley Engineering's representative to the City of Avon and he is doing the engineering work on behalf of the City and he is not doing the engineering work for the Metroparks or some other client that Chagrin Valley has, but he is doing it for the City of Avon, which is his client. Mr. Gasior stated there is absolutely no conflict of interest in the way that this contract is worded. He said he would be happy to go over it with Mr. Balmert further and he knows the section that Mr. Balmert is referring to is written in such a way that they have to break the sentence down. Mr. Gasior advised the City of Avon is under contract with Chagrin Valley Engineering to do all the engineering work within the City and Mr. Cummins is a member of that firm and is the designee to the City and is doing the work for the City on behalf of Chagrin Valley and he has one client and that one client is the City of Avon. He said there is no other client that Mr. Cummins is working for and he understands that can perhaps be confusing, but it is that simple. Mr. Gasior emphasized there is no conflict.

Mr. Balmert advised his concern is that this is one of many projects and it is like having the rooster bed the hens. He said Mr. Cummins is an engineer and he has laws to obey, but we are all human and we all do make mistakes.

Mr. Gasior pointed out that if CVE were to represent someone else in this matter and then Mr. Cummins and CVE would be working for different clients in the same project then that would be a conflict. He advised there is no other client CVE has out there on this specific project. Mr. Gasior stated the only client Chagrin Valley has is the City of Avon. He added that is the case in all of the projects that the City does through Chagrin Valley; there are no conflicts. Mr. Gasior stated if there should be a conflict then Mr. Cummins would point that out and the City would have to retain another engineering firm for that project, but he has not seen that happen in the last five years. He advised it has happened once early on when Mr. Cummins first became the City Engineer because there were clients that CVE were representing before actually getting the job with the City. Mr. Gasior stated since Mr. Cummins has been City Engineer for the last five years, there has not been a conflict because CVE does not do business with anyone doing business with the City. He advised the City and Mayor Jensen are very careful about conflicts.

Mr. Balmert said the conflict may not be that there is another client, but he suggested the conflict may be that Mr. Cummins did the engineering work and he is signing off on the engineering, which there might be an issue with the engineering because they are all human and they do make mistakes and not everyone gets 100% every time. He stated there should be an alternative checker to approve the engineering that Mr. Cummins does.

Mr. Gasior advised the engineer is a professional, attorneys and doctors are professionals and they carry insurance for errors and omissions and they generally do not second guess professional work unless there is a basis for doing so. He stated he did not know if the Metroparks will review any of this, but Mr. Cummins has done a number of projects within the City of Avon and if there were

several mistakes on any of the projects then the City would probably have a different engineer today.

Mr. Balmert clarified that he is not insinuating that Mr. Cummins has made mistakes, but he is saying that he is human like the rest of them.

Mr. Gasior advised the City can always get second opinions but they cost money, so they trust the judgment of the City Engineer.

Mr. Balmert advised if the City has someone design something and they then get to approve what they designed, it does not make sense.

Mr. Gasior advised if he designed it then Mr. Cummins is going to stand behind his design.

Mr. Balmert said they agree to disagree.

Mr. Gasior advised he would be happy to talk to him after the meeting.

Mr. Balmert advised some time over the next week or two he would like to sit down with Mr. Gasior and go through some of this.

Mr. Gasior said absolutely.

George Kelovsky of 38191 French Creek Road asked who is going to maintain the trail. He asked if it is going to need sealed every two or three years and was that his responsibility.

Mayor Jensen advised no. He explained if the City undertakes this project and accepts the grant money then it will be the City's responsibility to make sure it is in good working condition. Mayor Jensen stated the only thing they would still ask of the residents is to keep it clear of snow in the winter similar to what you would your sidewalk. He noted that a path shoveled similar to the width of a sidewalk would be sufficient and it was not necessary to shovel the full ten-foot width. Mayor Jensen clarified they would not ask a resident to do more than if it were a sidewalk. He added that it is part of the Safe Routes to School. He advised if necessary, the City would be responsible for crack sealing. Mayor Jensen stated the City was also looking for a sealer for maintenance of this trail and other parts of the City. He said the City will be responsible for maintaining the trail for twenty years.

Mr. Kelovsky advised other residents on the street had to put in a sidewalk and that now might be torn out and he asked if those property owners were going to be compensated for the sidewalk they installed.

Mayor Jensen advised depending on what side of the road the trail will be going in, while the resident would not be compensated the trail will be put in at no cost to the property owner.

Mr. Kelovsky asked what was going to happen with the property taxes for those who had the cost of the sidewalk installation put on their property taxes.

Mayor Jensen advised that would have been something the property owner was made aware of when they purchased the home if there was a sidewalk assessment on the tax duplicate. He stated those property owners who do not have sidewalks opposite the side where the trail could be installed, City Council is committed to making sure sidewalks are installed and that will be something that will be assessed to those homeowners.

Christine Alten of 2900 Moon Road stated she has lived there for over fifty years. She thanked Mrs. Holtzmeier for her comments this evening and said they were straight on and too bad more people did not pay attention to the finer points of her comments. Ms. Alten advised she is in opposition to the bike trail and it has been referred to as an asphalt bike trail and the French Creek Greenway and putting a wide trail down French Creek Road no way invokes greenway or trail or anything of that nature. She said what comes to her mind is greenery. Ms. Alten stated her thought process is that of Ward 1 Council Member Bob Butkowski when he suggested pursuing the trail head at Avon Isle and using that green space and making it an actual bike trail or greenway. She advised she understands that homeowners would have to be contacted asking for permission to put this trail across their properties and so be it as the other way the City was more or less forcing it down the residents' throat on French Creek Road. Ms. Alten advised French Creek Road is very residential and there were maybe a handful of empty lots along French Creek Road. She said as far as the park and recreation surveys from 2008 and 2017, it is all well and good for someone to fill out a survey and say yes they want more bike trails until they find out it is going to be in their front yard. Ms. Alten stated she is hearing that they do not have to go ahead with this, but at the same time they are voting on it tonight and she does not understand that process.

Mr. Fischer advised tonight's vote was only on the engineering of the project to see what side of the street they might put it on.

Ms. Alten asked or if it will even be there at all.

Mr. Fischer explained the engineering is for Detroit Road to the railroad tracks on French Creek Road to see what side of the street was better.

Ms. Alten asked so it is already determined the trail will be on French Creek Road.

Mr. Fischer advised this engineering study, yes.

Ms. Alten asked if that might change.

Mayor Jensen advised if the challenges were too great then there is the possibility that it could change. He said what Mr. Cummins is going to look at is depending on where the utilities are located and other similar issues. Mayor Jensen stated if it is found that those are not significant issues and there is funding that can be made available then there is probably a good chance that it will move forward. He advised and as Mrs. Holtzmeier has stated that she is for the trail up to Long Road from the Sheffield line and he believes most of Council is in favor of a trail, but they have to see where it will fit best. Mayor Jensen stated Mr. Cummins is going to take into consideration how much sidewalk has already been installed in certain areas. He clarified that the City is not installing the trail on private property, but in the public right of way.

Ms. Alten said if someone has a front yard that is only fifty feet deep anyway.



Mayor Jensen advised that would be taken into consideration as to where the best location will be. He said the engineering will determine the best side of the street for it to be located and then Council will have the opportunity to decide if there is enough funding available to move it forward. Mayor Jensen stated no matter what they do in the City, someone is not going to be happy with where something is being placed and they understand that, but in order to help the majority of the residents who have said they want bike paths through the City, it is going to cause heartburn to some people although they would try to minimize that as much as they can, but with anything they do there are going to be people who do not like it. He said they have spent a lot of time studying through it and they held a lot of meetings and those who came to the meetings were all positive, but if you want a bike path in the City then you would be at those meetings and support it.

Ms. Alten said she was not aware of the meetings. She admitted she does not have modern technology at her home. Ms. Alten stated she used a computer at her job for many years and when she retired she decided she did not want the expense or the bother of it. She asked where is she supposed to go for information and said she has to wait until there is an article in the paper or people talk about it. Ms. Alten felt those without modern technology are discriminated against.

Mark Pesta of 1532 Peach Drive asked what residents who live east of S.R. 611 would benefit from this trail. He said he lives on the east side and he would have to drive his car there to get to this trail.

Mayor Jensen said possibly, but they are looking at the whole City to try to increase connectivity. He stated they are also looking at trying to connect property by the Miller Nature Preserve to Schwartz Road Park and other areas. Mayor Jensen advised overall it is the bigger picture and he suggested Mr. Pesta reach out to Council to say they want something to help connect the end of town where he lives.

Mrs. Holtzmeier asked Mr. Cummins to share with Mr. Pesta the engineering line item cost for this \$1.1 million project.

Mr. Cummins advised he believes it is estimated in total to be around \$100,000.

Rick Schneider of 32370 Schwartz Road advised he wanted to let Council know that there are over 21 miles of multi-use paths located in Avon. He said probably 19 miles of that are in residential areas. Mr. Schneider stated there are paths in Avenbury and Reserve Way and there is a bike path on Detroit Road and on French Creek Road at the City limits that will eventually connect to Amberwood that already has a bike path that turns a corner and heads south on Moon Road about 900 feet and picks up again for an additional 1200 feet and hopefully in the near future they can go all the way to Detroit Road and connect to Veterans Park and Veterans Park has a path at the south end that goes into Camelot. He said there are a lot of multi-use paths in Avon and this is just another link to that chain and if they do not start somewhere they will never get there. Mr. Schneider advised the Cleveland Metroparks has one of the largest bike paths in northern Ohio and it dead ends into Detroit Road into a sidewalk and there is another portion of that path off of Rockcliff that also dead ends into a sidewalk. He stated they cannot get anywhere if they do not start. Mr. Schneider said right now, thanks to Council for looking ahead, they have a pretty good start and possibly developers could help to install bike paths that the City has a good start on and it would be a shame to let this grant go through the City's hands and not be able to continue.

Mrs. Holtzmeier advised she knows on French Creek Road there are 67 driveways in that 1.6 miles so it is pretty dense with residential and a couple of commercial driveways. She asked of those 21 miles of multi-use paths around Avon if he knew an estimate as to how many cross over residential entrances or exits.

Mr. Schneider said no, but they would be crossing over with sidewalks just the same as a bicycle path if you need to get out of your driveway. He felt there was no difference. Mr. Schneider advised his wife rides her bike regularly at approximately 15-20 miles three times a week. He said they live on Schwartz Road and she will be on French Creek Road riding her bike and she rides through many of the developments and a lot of times when she gets home she tells him about going off the sidewalk many times because people are walking on the sidewalk and they are too narrow for both walkers and bikers and she has to go around. Mr. Schneider advised a trail would get bicyclists off the street and in a safety zone along with the pedestrians. He said there is a multi-use path on Chester Road and there is one along Nagel Road by the Red Tail subdivision and those are busy highways but the multi-use path is far enough off the roadway that people are in a safety zone.

Mayor Jensen advised in the interest of full disclosure he wanted to say that while Mr. Schneider is speaking on his own accord, he does work for the City of Avon as the Zoning Enforcement Officer. He said he believes Mr. Schneider has credibility because he travels throughout the City regularly and he understands the whole area and some of the concerns. Mayor Jensen wants everyone to understand that Mr. Schneider is not speaking on behalf of the City, but he does work for the City.

Mr. Butkowski advised Mr. Schneider brought up a very good point and he wanted to validate the reason for his upcoming vote on this Ordinance. He said the point of “we have to start somewhere” is a very good point. Mr. Butkowski stated his opposition to this Ordinance is that where this trail is going is not a good starting point in his opinion. He said they talk about trail heads and the necessity to have access to this trail and Mr. Pesta raised a very good question that he himself has brought up in previous meetings with regards to this topic. Mr. Butkowski stated the majority of the City will not have access to this trail and the only way they would have access is to park illegally in a business or residential property. He advised they heard results from a parks and rec survey taken by residents of Avon and 600 people out of 24,000 said they wanted a trail. Mr. Butkowski said he does not remember the exact question posed, but he bets it was not a “do you want a ten-foot trail in your front yard” kind of question or a trail through nature. He stated when looking at this and he hears Mr. Schneider’s statement that they have to start somewhere, he also recognizes that there are almost 80 acres of Lorain County Metroparks land almost right in the middle of our City. Mr. Butkowski said it is particular to Riegelsberger Road and Jaycox Road and there are 57 acres at that location and there would be natural trail heads in the City to gain access to the majority of the people within the City that are asking for this trail. He advised his opposition to this Ordinance is where this trail is planned to go and not for the trails within the City of Avon, but more importantly looking at where is the most appropriate starting point for a trail that they can connect anywhere within the City all the way to the borders if needed. Mr. Butkowski said they have 80 acres of Lorain County Metroparks that have been sitting there for at least four years and there has not been a whole lot of progress on that property, but that is a natural starting point for him. He stated he would much rather hold off on the engineering for this project and look at where they can start where the rest of the City can actually access it and put in trail

heads so people can actually get into nature and it can be accessed by the entire City of Avon and that is the rationale behind his vote coming up.

Mayor Jensen asked Mr. Ziemnik to explain why the trail is starting at this point and to explain some of the funding. He said the location was not arbitrarily decided upon but began with conversations between the City of Avon and Sheffield Village.

Jim Ziemnik of 39074 French Creek Road and the Director of the Lorain County Metroparks noted that his personal residence on French Creek Road is a very recent move and he advised the roots of the proposed location started several years ago when NOACA invited the Metroparks to the table to meet with the City of Avon as well as Sheffield Village to talk about a regional comprehensive trail system that would connect all the different communities of Avon, Sheffield Village to the Metroparks and through the Metroparks. He said in that process he believed the City already started to engage with Envision and the Metroparks were invited to start having input. Mr. Ziemnik stated the Metroparks were a part of the public hearing process and they agreed to put some surveys at their facilities and on their website as much as the City of Avon and Sheffield Village did.

Mayor Jensen said that the intention of the Metroparks is to at some point connect all the different parks along the Metroparks properties.

Mr. Ziemnik advised in previous meetings they talked about connecting to Miller Nature Preserve to the Jaycox/Riegelsberger facility to Schwartz Road Park so that it will eventually connect Metroparks facilities to Avon facilities and some way, find that connection to Miller Nature Preserve on SR 83 all the way to SR 254. He said the City and the Metroparks have talked for a number of years about how to connect overall with recreation complexes and Metroparks facilities.

Carolyn Beck of 38021 French Creek Road said Mr. Schneider has helped her out with some things in the past and she appreciated it, but he is talking about safety and a trail that is away from the road and she understood the Mayor to say it was going next to the road and she asked which one is it.

Mayor Jensen advised there is going to be a separation, but it would be near the road similar to a sidewalk.

Ms. Beck advised these are the contradictions that make it hard for her to trust what is going on. She said Chagrin Valley has been good about some things and bad about other things. Ms. Beck stated the residents are being asked to trust when their road was just resurfaced that if there was a system in place they would not have to come back and rip out her driveway again. She advised she is concerned that they are getting the opportunity to plan something when they have not even made a lot of things smooth in this current project on French Creek Road. Ms. Beck said she was never informed when she already had a quote from a contractor because her sewer was coming out the side of her house to the street. She stated no one ever informed her it is going to cost more money to run her line diagonal to the sewer and that was Chagrin Valley being in charge of the project which is not even done. Ms. Beck advised she then sees Avon's utility crew on the street sealing up leaks in the million dollar sewer system that is not even activated yet. She asked how they were able to get a grant for this trail if they do not know where it is going to go and she asked if it is accurate to say that it is going on her side of the street.

Mayor Jensen advised it has not been decided which side of the street. He said that is what moving forward with this Ordinance will decide.

Ms. Beck asked when they will get informed of that as French Creek residents were never provided information as to when those meetings are. She asked why Chagrin Valley did not tell her when things were changing and then it is changed without her even being informed. Ms. Beck advised she is concerned about her spectacular driveway that may now be cut down and now water comes into her driveway which it never did before. She said she does not feel as confident now because she is being told different solutions to her driveway issues. Ms. Beck said they were asking her to trust these people to plan some more things when they have not even finished correctly a million dollar project. She asked who is going to pay for a second driveway and she wants the same thing that she had before the work started. And now they would be asking her to shovel snow off a trail when she originally anticipated that the City would take care of that. She heard there were going to be benches and she asked how that is going to happen when this is a livability grant conflicts in her mind because it is going to be close to the road as that did not make sense to her. Ms. Beck said she did not feel a trail on French Creek Road near railroad tracks and crossing over SR 301 was very conducive for kids and their families to go that route. She asked when looking at all these issues brought up why they did not table it. Ms. Beck advised she hoped they would take some of these ideas and support the residents. She mentioned issues with her driveway and water and drainage. Ms. Beck said she is asking for the correct things to be done and she was not sure why they were planning this and spending all this money when the engineering is not there. She stated she does not see that the road is graded correctly and she does not see that her driveway has to be pulled out again She said she would rather hire someone that knows what they are doing even if they are more expensive than someone who makes mistakes over and over. Ms. Beck advised she has no confidence that it is going to be done right. She said they are being asked to trust this engineering firm to plan more things when they are not correctly handling the French Creek Road paving project.

Joe Novak of 38591 French Creek Road thanked Avon for paving French Creek Road. He pointed out a small discrepancy in the information from the engineer. He said it says the streets are ten-foot wide and actually they are thirteen feet wide so that will change the location of the greenway trail. Mr. Novak felt it would be a great idea to extend the sidewalks to the railroad tracks and that the greenway should start at Avon Isle and follow the French Creek toward I-90, Crusher Stadium, James Day Park in Sheffield and the railroad tracks as that would be an ideal place for people to go biking. He advised French Creek Road is not an ideal place as just last week he and his son were almost run over by someone because there were bushes right in front of the sidewalk and there are many driveways along French Creek Road and he asked them to keep that in mind for their consideration.

And the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “no”; Mrs. Holtzmeier, “no”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

The vote was 5 for and 2 against and the Chairman declared the motion passed.

**ORDINANCE NO. 81-20 – REAPPROPRIATIONS**

The Clerk read Ordinance No. 81-20 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS  
ORDINANCE NO. 104-19 AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 81-20, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 81-20, 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.

**ORDINANCE NO. 82-20 – GRANTING A SPECIAL USE PERMIT TO RICHARD & PAULINE SCHNEIDER TO ALLOW FOR LOT CONSOLIDATION, LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE NORTH SIDE OF SCHWARTZ ROAD, EAST OF 32480 SCHWARTZ ROAD**

The Clerk read Ordinance No. 82-20 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO RICHARD & PAULINE SCHNEIDER TO ALLOW FOR LOT CONSOLIDATION, LOT SPLIT AND THE CREATION OF A FLAG LOT ON THE NORTH SIDE OF SCHWARTZ ROAD, EAST OF 32480 SCHWARTZ ROAD, PERMANENT PARCEL NOS. 04-00-026-108-015 AND 04-00-026-108-016 AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 82-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 82-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

**ORDINANCE NO. 83-20 – TO AMEND THE SPECIAL USE PERMIT FOR AVON V.F.W. POST NO. 7035 TO ALLOW FOR THE CONSTRUCTION OF A 26’ X 7’ OUTDOOR BAR TO BE INSTALLED UNDER THE EXISTING PAVILION LOCATED AT 36950 MILLS ROAD**

The Clerk read Ordinance No. 83-20 by title only, entitled:

**AN ORDINANCE TO AMEND THE SPECIAL USE PERMIT FOR AVON V.F.W. POST NO. 7035 TO ALLOW FOR THE CONSTRUCTION OF A 26’ X 7’ OUTDOOR BAR TO BE INSTALLED UNDER THE EXISTING PAVILION LOCATED AT 36950 MILLS ROAD AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 83-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 83-20, and the discussion was:

Ms. Fechter added that they included some conditions in the Ordinance since last week after speaking with the Law Director. She advised they included that the outdoor bar is for special events, the hours are 11:00 am to midnight and if there is any outdoor music that it would end at 11:00 p.m.

And the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

**ORDINANCE NO. 84-20 – TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY SPEEDWAY, LLC AT STATE ROUTE 611 AND RECREATION LANE**

The Clerk read Ordinance No. 84-20 by title only, entitled:

**AN ORDINANCE TO ACCEPT PUBLIC IMPROVEMENTS CONSTRUCTED BY SPEEDWAY, LLC AT STATE ROUTE 611 AND RECREATION LANE AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 84-20, 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.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 84-20, 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.

**ORDINANCE NO. 85-20 – RATIFYING THE ACTION OF THE MAYOR IN GRANTING AN EASEMENT TO COLUMBIA GAS FOR THE INSTALLATION OF A GASLINE ON SCHNEIDER COURT TO SERVICE THE BENDIX SITE**

The Clerk read Ordinance No. 85-20 by title only, entitled:

**AN ORDINANCE TO RATIFYING THE ACTION OF THE MAYOR IN GRANTING  
AN EASEMENT TO COLUMBIA GAS FOR THE INSTALLATION OF A  
GASLINE ON SCHNEIDER COURT TO SERVICE THE BENDIX SITE  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 85-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 85-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 86-20 – GRANTING A SPECIAL USE PERMIT TO VAULT SELF STORAGE,  
LLC TO CONSTRUCT A SELF STORAGE FACILITY JUST WEST OF 34420 MILLS ROAD IN  
THE M-1 INDUSTRIAL DISTRICT

The Clerk read Ordinance No. 86-20 by title only, entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO VAULT SELF-  
STORAGE, LLC TO CONSTRUCT A SELF-STORAGE FACILITY JUST  
WEST OF 34420 MILLS ROAD, ON PERMANENT PARCEL  
NO. 04-00-024-116-231 IN THE M-1 INDUSTRIAL DISTRICT  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 86-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 86-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 87-20 – AMENDING ORDINANCE NO. 70-17 LEVYING SPECIAL  
ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF A PORTION OF  
CHESTER ROAD FROM A TWO LANE TO A FIVE LANE ROADWAY, TOGETHER WITH ALL  
APPURTENANCES AND RELATED IMPROVEMENTS THERETO

The Clerk read Ordinance No. 87-20 by title only, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 70-17 LEVYING SPECIAL  
ASSESSMENTS FOR THE CONSTRUCTION AND RECONSTRUCTION OF A**

**PORTION OF CHESTER ROAD FROM A TWO LANE TO A FIVE LANE  
ROADWAY, TOGETHER WITH ALL APPURTENANCES  
AND RELATED IMPROVEMENTS THERETO  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 87-20, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 87-20, and the discussion was:

Mr. Logan advised he sent out some information on Friday regarding this Ordinance. He said he and Mr. Gasior have been working on this for a while now. Mr. Logan stated this was the cost settlement for the Kopf lawsuit on the special assessments and they paid a settlement of roughly one-third of what their special assessment would have been. He advised the Jacobs Group NWQ Jaycox agreed to take on the balance of that assessment, which is \$301,792.00 and with interest over the next 18 years it comes out to \$373,789.00. Mr. Logan stated that is the voluntary special assessment that will go onto three Jacobs parcels. He said there is a large parcel where the bulk is going on the south side of Chester Road and then two smaller parcels. Mr. Logan advised the Lorain County Auditor’s Office needed these special assessments in their office by the 18<sup>th</sup> of September, which is why they were asking for passage tonight to get it to the County right away to be on next year’s tax duplicate.

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.

ORDINANCE NO. 88-20 – TO AMEND SUBSECTION (F) OF EXHIBIT A TO ORDINANCE NO. 36-20 WHICH ADOPTED THE EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT AND EMERGENCY PAID SICK LEAVE ACT FROM THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT FOR THE CITY OF AVON

The Clerk read Ordinance No. 88-20 by title only, entitled:

**AN ORDINANCE TO AMEND SUBSECTION (F) OF EXHIBIT A TO ORDINANCE  
NO. 36-20 WHICH ADOPTED THE EMERGENCY FAMILY  
MEDICAL LEAVE EXPANSION ACT AND EMERGENCY PAID SICK  
LEAVE ACT FROM THE FAMILIES FIRST CORONAVIRUS  
RESPONSE ACT FOR THE CITY OF AVON  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 88-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.



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

A motion was made by Mr. McBride and seconded by Mr. Holtzmeier to adopt Ordinance No. 88-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

**RESOLUTION NO. R-19-20 – TO AMEND RESOLUTION NO. R-19-19 IN SUPPORT OF REPLACING THE FIELD TURF AT CRUSHER (f.k.a. SPRENGER) STADIUM**

The Clerk read Resolution No. R-19-20 by title only, entitled:

**A RESOLUTION TO AMEND RESOLUTION NO. R-19-19 IN SUPPORT OF REPLACING THE FIELD TURF AT CRUSHER (f.k.a. SPRENGER) STADIUM AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-19-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Resolution No. R-19-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

**REPORTS AND COMMENTS**

Mayor Jensen had no comments.

**COUNCIL MEMBERS:**

Mr. Butkowski, Ward 1, had no comments.

Mrs. Holtzmeier, At Large, asked for clarification with the approval of Ordinance No. 74-20, when will Chagrin Valley Engineering begin performing the engineering and when will it be complete.

Mr. Cummins advised they would begin with survey crews in about two weeks and it will be an ongoing effort and lead all the way through the production of plans, submission to ODOT for ODOT reviews, going through the ODOT process to complete the plans; so it will be several years in total. He said the work will begin the work of determining what side of the road and collecting that information and that will happen over the next two to three months. Mr. Cummins stated there would be internal discussions with Service Department, Utilities Department, possibly discussion with Planning, Safety Forces etc. He advised there is a lot that will be evaluated going into to those decisions. Mr. Cummins stated he does not have a set schedule as to when that will

be, but he would say that it will probably be a few months before they were ready to come back and present any type of results or make that type of recommendation.

Mr. McBride, Ward 2, had no comments.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, At Large, had no comments.

Mr. Fischer, At Large, had no comments.

#### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no comments.

Mr. Farmer, Service Director, had no comments.

Ms. Fechter, Economic Development/Planning Coordinator, thanked Clare Harasimchuk and her team and Sheri Seroka as they had a really nice drive-in Super Hero event. She said it was a little awkward this year because of social distancing, but she believes all the families enjoyed themselves and had a good time and the event went off without a hitch.

Mr. Gasior, Law Director, had no comments.

Mr. Logan, Finance Director, advised the City received a rent payment today from Blue Dog Baseball, the Crushers, for one month which was \$50,850. He said the normal amount for monthly rent is \$50,000 and he emailed Mr. Kramig who responded that what they paid was exactly 25% of the PPE they received.

Mr. Streator, Safety Director, thanked the Safety Forces and the rest of the City and Council for the Patriot's Day ceremony that was held last Friday, September 11, 2020. He said there was a nice turnout.

#### AUDIENCE:

Steve Balmert of 38475 French Creek Road advised regarding Ordinance No. 74-20 that passed earlier tonight for the engineering work to begin that when surveyors come out, they have no right of entry without getting the homeowners permission. He said if surveying crews come out and they are on private property they are trespassing and in violation of Ohio law. Mr. Balmert stated he was letting everyone know that people on French Creek Road will be calling the police if they are not notified that the surveyors are coming. He said if the surveyor does not come to the door and get permission to be on private property, they are not allowed to be on their property. He said he is giving the City a heads up because there was an issue a couple years ago with a surveying crew and they learned the hard way and the police officer and he almost got into an argument back then as well because the police officer was in the wrong of not enforcing the law and Mr. Farmer and Mr. Gasior straightened it out.

Mark Pesta of 1532 Peach Drive asked as to the status of the proposed legislation that was started back in June regarding the mail trucks.

Mr. McBride advised they need to schedule another Legal Committee meeting or hold a small working group with the Administration to work out some details. He said he has spoken to some post office employees individually, but not officially at the post office, and he has some ideas about how they can craft an Ordinance that will make it fairly uniform across the City. Mr. McBride stated it would impact some neighborhoods in the City where the lots are not 100' wide and that may have some practical difficulty. He advised what they do not want to do is pass an Ordinance that looks great, but then no one can park on the street and it creates other issues when there is a party or a holiday gathering at a residence.

Mr. Pesta stated he had no problem with any of that, which would bring us to the other issue of his neighbor. He said if they do not do something about the parking then they have an even bigger issue. Mr. Pesta felt the bigger issue is his neighbor and these are the smaller things that help curb that activity.

Mr. McBride advised they will schedule a Legal Committee meeting, but they would try to iron some things out prior, so it was not as painful when they go into that committee meeting, which is a public meeting.

Mr. Gasior advised he would like to talk with Mr. Pesta after the meeting as he had an update after talking with the City Prosecutor and he would to give him some information.

ADJOURN: 8:55 p.m.

A motion was made by Mr. McBride and seconded by Mr. Moore to adjourn the Regular Meeting of Council, 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.