

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, OCTOBER 4, 2021
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

PRESENT: Council Members: Council-at-Large – Brian Fischer; 1st Ward – Bob Butkowski; Council-at-Large – Tammy Holtzmeier, 2nd Ward - Dennis McBride; 4th Ward - Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Law Director – John Gasior; Finance Director – William Logan; Safety Director – Duane Streator; Clerk of Council – Barbara Brooks

ABSENT: 3rd Ward -Tony Moore; Service Director – Mike Farmer; Planning and Economic Development Coordinator – Pam Fechter

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE LED BY SCOUT PACK 333

Mr. Fischer called the meeting to order and recognized Scout Pack 333 who led in the Pledge of Allegiance.

2. RECOGNITION OF THE DOG PARK CONTEST WINNER/PARTICIPANTS

Clare Harasimchuk, Recreation Coordinator
Paul Burik to Present His Winning Idea

Ms. Harasimchuk advised it was late spring when she was before City Council last to present the idea of a dog park. She said they ended up getting the community involved and the one way they did it was to have a contest. Ms. Harasimchuk stated they announced the contest in late spring on the City website and there was a form for people to complete and submit. She advised they received entries for the contest which was super exciting, and they wanted to recognize those individuals tonight and the top three will receive prizes and the remaining six will receive a participation gift. Ms. Harasimchuk said the talent was unbelievable from those who submitted their designs. She stated it was hard to choose a winner as they were all unique and yet had a lot of the same thoughts and ideas for a dog park. Ms. Harasimchuk advised the drawings submitted by the contestants were on the tables here in Council Chambers for people to come by and see after the meeting. She announced the first-place winner of the design contest was Paul Burik and he was recognized and presented with a first-place award and gift. Ms. Harasimchuk invited Mr. Burik to give Council an overview of his design and ideas for a dog park.

Mr. Burik thanked the City for the award and the opportunity to share his idea with Council. He advised over 40 years ago when he was studying architecture at Kent State, in his last year, they held a 1 credit hour professional practice class to prepare them for the real world. Mr. Burik said one of the assignments was to create a letter of contact for a small project. He stated a group of them decided it would be funny if they wrote a letter of contract for designing a doghouse. The professor, when they turned in their assignment, had a ready answer and said, “Boys, after studying design, environment and buildings for humans they were going to spend another 6 months learning about a dog so you can do it justice”. Mr. Burik said of course, that was the beginning of his architectural career and ironically here he is at the sunset of his architectural career receiving an award for a dog park design.

Mr. Burik advised he did some research for dog parks for this contest as well as when he served on the Avon Parks and Recreation Commission. He said the idea was to create an Avon Dog Village and not just a park, but a village where the people would have space not just for their canines, but space for the owners to socialize and meet each other because the canine community is strong. Mr. Burik stated his design uses the fencing as an element of design creating this village with the suggestion of homes and buildings and spaces that are attractive. He advised there would be spaces for large dogs and small dogs and a vestibule that would have a double gate, so a dog does not accidentally get loose. Mr. Burik said the village would also have various dog toys or challenges to promote exercise and of course there would be trees for shade as well as other areas and a pavilion to provide protection from rain and the hot sun in the summer. He stated there would be a water feature for both large and small dogs.

Mr. Burik advised the other participants had good ideas as well and he encouraged Council to look over the designs and he hopes the dog park will happen at some point.

Ms. Harasimchuk announced the second-place winners, the Canning Family and they were recognized and presented with a second-place award and gift.

Mayor Jensen advised he met with the Canning Family last week and that Mr. Canning indicated to him that his family are dog lovers and he generously said he would like to donate close to \$20,000 to help pay for the dog park activity areas and the needed equipment and he wanted to recognize and publicly thank the Canning Family.

Ms. Harasimchuk announced that Michelle Smith's design won third place and she was recognized and presented with a third-place award and gift.

Ms. Harasimchuk recognized the six remaining participants for submitting their designs: Samantha Fecht, Missy Nelson, Brian Saldana, Jean Lane, Celeste Gorski, Bob & Michelle Klimek. Each participant was given a small thank you gift.

Ms. Harasimchuk thanked Council for the opportunity to recognize these individuals that really worked hard preparing their entries for this contest. She said she would keep Council posted as to the progress.

Mayor Jensen indicated Ms. Harasimchuk has budgeted for the dog park in 2022 to move this project forward with the installation of the fencing. He advised unless Council should reject the Recreation Department budget, this is planned for installation in 2022. Mayor Jensen said some of the work will start even earlier because some of the road work, the driveway and the parking lot will begin to be installed. He stated they will also be planting grass where needed this fall instead of waiting for spring.

Ms. Harasimchuk suggested Council take advantage of looking over all the entries if they have opportunity after the meeting as all the participants did a really nice job.

Mr. Fischer thanked Ms. Harasimchuk for handling that project and he congratulated Mr. Burik and the other participants, and he thanked them all and said their involvement is appreciated.

3. [ORDINANCE NO. 67-21 – AMENDING SECTIONS 210.01\(f\)\(1\)\(A\), 1226.01, 1226.02, 1226.07 AND 1262.08 OF THE CODIFIED ORDINANCES OF THE CITY REQUIRING ZONING PERMITS FOR HOME OCCUPATIONS](#)

Planning Referral

A Public Hearing will be held on Tuesday, October 12, 2021, at 7:25 p.m.

Third of Three Readings of Ordinance No. 67-21 will be held on Tuesday, October 12, 2021

Mr. McBride advised he wanted to make sure that everyone agrees as he requested that from the time this Ordinance goes into effect that those residents operating a home occupation have 30 days to register. He said he does not feel that is an unreasonable duration of time.

Mr. Gasior advised that would be in Subsection C in Section 3 of the Ordinance. He said currently it states one year and he felt that taking it down from one year to 30 days is significant, but he knows what Mr. McBride's feelings are on that issue. Mr. Gasior suggested it could be set at 6 months. He stated he spoke with Mrs. Holtzmeier and her thoughts were that the time frame could be set at 90 days and perhaps there is a compromise that could be reached unless all of Council is good with 30 days, but maybe 90 days would be best.

Mr. Fischer inquired if this Ordinance would affect everyone in Avon with a Home Occupation business. He said it is going to take some time to get the word out.

Mr. Gasior agreed and said it was probably going to be posted on the City website. He advised he would imagine that enforcement would be a little restrained because people probably will not know about it and it would be nice to let them know that they do have to get the permit, but from an enforcement standpoint they would probably

still give people 30 days to get the permit. Mr. Gasior stated if they go with a 30-day period it would most likely end up being 60 or 90 days anyway as he is thinking about the practicality of enforcement. He said it is something that the City would like to see people begin to do and certainly anyone that is going to start a Home Occupation the City would like them to immediately sign up and be apprised of the rules and regulations and make sure they operate within the confines of the law.

Mr. Fischer reminded everyone this permit is a \$15 fee.

Mr. McBride advised if it is 90 days or 6 months or a year, he felt that it would drag it out too long. He said he would hope they would have 99% compliance within 30 to 90 days if the base time frame to comply is set at 30 days. Mr. McBride advised it is a nominal fee that basically covers the City's cost.

Mrs. Holtzmeier advised in practicality if Council were to pass this Ordinance on October 12th that 90 days would leave the resident until January 10, 2022, to get that permit. She said what she liked was that puts the City in another calendar year that is when a small home occupied business would be gathering other tax documents together and they are thinking about their tax filings. Mrs. Holtzmeier stated it would be an opportunity to meet with their accountants or bookkeepers and time to get the word out. She said for her, at least 90 days made sense as the City is going to need some time to get the word out that this permit is expected. Mrs. Holtzmeier stated the other part that she discussed with Mr. Gasior was the length the permit is valid and whether it would need to be renewed and he had some thoughts on what other cities are doing.

Mr. Gasior advised he knows that North Ridgeville requires a renewal every three years unless that has been changed in the last few years. He said North Ridgeville's permit is a little more involved as they require an appearance in front of the Board of Zoning Appeals and Avon is not contemplating that being done. Mr. Gasior stated to come back every three years and renew, may give the City a better idea of who is involved and if there are complaints, the Zoning Enforcement Officer can track those complaints. He advised when it comes time to renew the Home Occupation, the Zoning Enforcement Officer could refuse to grant it and the resident could effectively end up in front of the Board of Zoning Appeals challenging that decision. Mr. Gasior felt a two-year or three-year expiration was not too burdensome, but it would put the onus on the City to keep track of that. He said the Zoning Enforcement Officer who would be issuing the permit would have to start tracking the expiration dates.

Mr. McBride advised he would like to emphasize the 30 days and get these Home Occupations registered before the end of this tax year. He said there are a lot of Home Occupations that are not reporting or are underreporting and that is revenue out of the City's pocket. Mr. McBride said that between notifying residents on the water bills and other notices that can be sent out he felt it was very easy to let people know that the City has passed an Ordinance and they need to come in and register or even register online. He stated he did not feel it was a big deal to get someone's tax attorney or accountant or bookkeeper in the loop.

Mr. Gasior advised that is a good point about putting a notice in the water bill. He said that is probably going to require at least 60 days because they could miss some people depending on how soon they could get that notice in the water bill, but that is a good place to notify people with a special flyer. Mr. Gasior stated the IT Department will need to set up the notice on our City website. So, there are some logistical things they need to address if this legislation passes next week and there is a 30-day period for the Ordinance to take effect, which will be some time in November and maybe 60 days will give the time needed through the holidays and get it going in January.

Mr. Fischer advised that sounds like your compromise at sixty days.

Mr. Gasior advised it is difficult because once they reach the middle of November it can be very difficult to put things together and to get anything done until after the new year. He said he understands where Mr. McBride is coming from but practically speaking it would be a minimum of sixty days, but he did not see a problem with ninety days either. Mr. Gasior stated that is something they will have to decide in tonight's Work Session or before the vote next Monday night.

Mr. McBride suggested a compromise of no later than January 1, 2022, to give affected residents a little more time as well as the City departments time to get it set up.

Mr. Gasior advised he would insert the effective date of January 1, 2022, into the legislation. He said the other decision that needs made is whether it was going to be required to be renewed every three years.

Mr. Fischer advised he was in favor of that.

Mr. Witherspoon advised three years is a good renewal term.

Mr. Gasior advised he would add those two items and it would be before Council next Tuesday night.

4. ORDINANCE NO. 78-21 – TO ESTABLISH A RANGE OF COMPENSATION FOR THE POSITION OF FULL-TIME, UNCLASSIFIED ZONING ENFORCEMENT OFFICER FOR THE CITY OF AVON

Mayor Jensen

Mayor Jensen advised items 4 and 5 are similar, but one is for a full-time position, and one is for a part-time position. He said the decision has to be made whether that position should remain full-time or be made part-time. Mayor Jensen stated initially they are leaning toward a part-time position, but if it becomes more work, they may decide it should remain full-time. He clarified the decision will be for one or the other and not for two positions. Mayor Jensen advised once one is chosen the other will not be used, but they need to have a range on both since they create the class spec for both.

Mr. Butkowski asked Mayor Jensen what the work week would look like if he were to suggest it become a part-time role.

Mayor Jensen advised that is a decision that still must be made. He said they are having meetings this week within the Administration to discuss exactly what the duties of the Zoning Enforcement Officer are currently. He said there is a lot of time spent in the office and he believes there have been times when Council has been frustrated because there are signs that need to be removed from the right of way. Mayor Jensen stated they will be looking at how much time is needed to take phone calls and such and Mr. Streater will oversee that and has been in discussions with Mr. Schneider about his duties in a typical work week and what the best hours should be. He believes many of the zoning questions are not early in the morning and whether that person should work five days a week within a certain window of hours or if four days a week are sufficient. Mayor Jensen advised often people submit their request and are contacted later after it is worked on. He said they would like to see someone be available to talk to the resident when they submit their request.

Mrs. Holtzmeier inquired if Mayor Jensen has the ability, if Council gives approval for either scenario, since these Ordinances are for an unclassified position, to then choose one and leave one unfilled.

Mayor Jensen answered yes.

Mrs. Holtzmeier advised they could pass both Ordinances and then Mayor Jensen would have the executive authority to determine which direction to go, to which Mayor Jensen answered yes. Mrs. Holtzmeier said she did not have a problem with that.

Mayor Jensen advised he would let Council know when the selection is made and introduce that person to Council. He said he felt they need to make clear the guidelines of what is expected of that position, and it is important that they hear what Council thinks is important and that the employee follows through with that.

Mr. Radcliffe asked if there was information on similar size neighboring cities of how much time and effort their zoning officers are doing.

Mayor Jensen advised there are six different surrounding communities that have a zoning officer, and it was all over the board from a part-time \$19/hr all the way up to a full-time position. He said not many are truly full-time

positions because if everyone is doing what they are supposed to do, it is not typically an in-depth position that requires 40 hours a week.

5. [ORDINANCE NO. 79-21](#) – TO ESTABLISH A RANGE OF COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED ZONING ENFORCEMENT OFFICER FOR THE CITY OF AVON

Mayor Jensen

See comments above on item #4.

6. [ORDINANCE NO. 80-21](#) – AUTHORIZING THE DEVELOPMENT OF ENGINEERING PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL BETWEEN THE SHEFFIELD MUNICIPAL BOUNDARY AND DETROIT ROAD IN CONJUNCTION WITH A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) IMPLEMENTATION GRANT

Mr. Cummins

Mr. Cummins advised this is the proposed project to install a pedestrian path along French Creek Road to get from Sheffield to Detroit Road. He said it was discussed earlier this year in quite a bit of detail and since that time they have looked at existing conditions along the route and feel that constructing the route on the north side is more advantageous as there is more right of way available. Mr. Cummins stated it will be a safer route because there will be no mid-block crossings etc. He advised they also prepared an extensive set of preliminary plans about where the path would be located across each property and those were shared earlier in the summer/late spring. Mr. Cummins said they are here tonight to try and start a discussion about whether this is a project they want the City to move forward with or in a sense put an end to it. He stated the next item #7 is that time for submission of another Transportation for Livable Communities Implementation Grant application. Mr. Cummins advised that proposed application would build off the first project so if the first project is not going to move forward then they would not submit the application to do the second project.

Mr. McBride feels that most Council is in favor of this going forward. He said there are some considerations for those residents on French Creek Road where it will be running in front of their homes. Mr. McBride stated it will be in the public right of way and not on their property as the City is not taking anyone's property. He advised he is in favor of proceeding and he is also for proceeding with applying for another grant. Mr. McBride said these are basically steps one and two for building out multi-purpose trails throughout the City. He stated he grew up in Cuyahoga County near the Metroparks multi-purpose trail and it is widely used and is a wonderful thing to have. Mr. McBride advised he has read on social media where people are asking where they can go to ride bikes, and he feels this trail will benefit a lot of residents and it makes our City more livable and is one more attraction and one more reason to move to Avon.

Mr. Butkowski asked Mr. Cummins to remind Council with regards to the NOACA grant funding for this project because the last time this came forward, the Lustri property was not formally acquired by Lorain County Metroparks. He advised now that there are some preliminary drawings, the trail is a little bit longer than what the proposed trail originally was through French Creek Road. He asked Mr. Cummins to review what the grant was and how much that grant would cover of this trail.

Mr. Cummins advised the grant was through NOACA and was to implement the first phase with the stated goals to NOACA of getting between Sheffield and Detroit Road. He said as they were going through this process before, Lorain County Metroparks made applications through the Clean Ohio Program and to his knowledge were successful and are in the midst of acquiring what is known as the Lustri property. Mr. Cummins stated they have had discussions with the Metroparks and in the Master Plan, technically the greenway spine, the main part, was shown to go through the Lustri property. He advised it would still meet the goals by going through the Lustri property of getting to Detroit Road because the Lustri property abuts the Avon Isle community center. They could run the path to the Avon Isle and there is a parking lot there and access to Detroit Road and people could park their car at that location and ride the path if they wanted. Mr. Cummins advised he has had informal discussions with NOACA, and they are in favor of utilizing the Lustri property. He said the City will have to go back to NOACA and formally request that, but the informal discussions he has had is that the City should not receive any

resistance in requesting that change. Mr. Cummins stated as far as the grant, the initial grant is for \$250,000 and the project is going to be somewhat longer, but that is undefined as of yet because they have not been able to get on to the Lustri property. He advised they are going to have to see where things like wetlands and other sensitive areas are and then formulate a route to avoid those so the length is somewhat undetermined until that can be done. Mr. Cummins said to his knowledge, the Metroparks should take possession of that land in the next month and at that time the City should be able to gain access and start doing some initial investigations and try to identify that route if they are going forward with the project. He stated there are other funding opportunities for a path such as this and they have also made applications for a Congressional earmark to help offset some of the cost and that is still up in the air as to whether any part of that is going to get passed or not. Mr. Cummins advised there are other grant programs through the State of Ohio that as the project gets defined and comes into focus and the plans are more advanced, they can make application for, and have a good shot, because they have had so much collaboration with Sheffield, and with the Metroparks and they like to see those kinds of communities and organizations working together. He said this is the first step in defining that project specifically where it is going to go. Mr. Cummins stated they have had some other discussions with some of the other property owners along French Creek Road right in the vicinity of the Lustri property and the City may incorporate some of their back land as a route as well. He advised there are a lot of things to be defined as well as prepare a set of plans to ODOT specifications, which is mandated because it is federal money. Mr. Cummins said the money flows through NOACA, but it has to be to ODOT processes.

Mr. Butkowski inquired as to the overall proposed cost for the entire trail.

Mr. Cummins advised the original cost was estimated at \$1.1 million.

Mr. Butkowski added and the \$250,000 is the federal component where the City has to build the trail to the federal guidelines.

Mr. Cummins confirmed that to be correct. He advised as well that if the City is successful in getting a Congressional earmark, that would also be federal dollars.

Mr. Butkowski advised within that perimeter, but anything beyond that the City would be responsible for.

Mr. Cummins advised that is correct.

Mr. Butkowski advised if the trail through the Lustri property is the 10' wide asphalt trail and as they transition from that trail back out to the residential area if that was a different width or different type of trail the City would not be giving up the federal money because the Lustri property would have that component of that trail.

Mr. Cummins corrected Mr. Butkowski and advised the City would be giving up the federal money. He said the federal money was committed to the City of Avon to get from Sheffield to Detroit Road all on a federal type of path, which means it has to be 10' wide and it has got to be paved, either asphalt or concrete, and there are separation requirements from objects and the roadways and those kinds of things. Mr. Cummins stated they must meet federal guidelines.

Mr. Butkowski stated but the federal money only equates to \$250,000 of the \$1.1 million.

Mr. Cummins advised that is correct, but they get 100% of the federal grant money.

Mr. McBride advised he hopes that Council President Fischer will back him up and he said they want the 10' wide asphalt trail because it makes a huge difference. He said just from riding the Metroparks Emerald Necklace, anything less than that width is not wide enough. Mr. McBride stated you would think that 6 or 8 feet is good enough and while that works it is not good.

Mr. Fischer stated that in a Metroparks setting, absolutely. He said when it gets placed in front of someone's yard, they might have another opinion.

Mr. Butkowski said if he is remembering correctly, they would have to change the Code within the City to allow this trail to go in on French Creek Road where it is in the residential area because it is on a collector street.

Mr. Gasior advised he believes so, as the Code only states 6 feet.

Mr. Butkowski said if it is changed for that collector street then it opens the opportunity for any other collector street within the entire City to have a 10-foot trail.

Mr. Cummins advised he is not the Law Director, but he guesses that would depend on how you write the legislation.

Mr. Gasior agreed with Mr. Cummins' statement and said it depends on how you write that piece of legislation to designate that particular path to be 10 feet wide and not all collector streets would have a 10' wide path.

Mayor Jensen advised it is part of the Master Plan for where they want bike paths as it does not necessarily have to be everywhere. He said the study of what they did is part of how it comes together, and he would think they would want to keep it that way.

Mr. Butkowski said he knows they also have a plan for bike trails throughout the entire City as this is not just the French Creek Road path. Mr. Butkowski advised this is just the beginning or the impetus of this and he could see it cascading down other parts within the community whether it is written up for just French Creek Road or specific collector streets, this is just the beginning of the potential to have these 10' paths in front of people's homes throughout the City.

Mrs. Holtzmeier asked the Clerk to put the map Council was given on the screen. She said there are a lot of people in the audience tonight and she hopes they will have the opportunity to inform Council of their thoughts. Mrs. Holtzmeier stated she has received phone calls and she felt it is important to hear people out before they create an opinion. She said when they discussed this the last time, Council voted to designate engineering dollars to study the propensity of this on French Creek Road. Mrs. Holtzmeier stated just recently she is hearing about the decision to put it on the north side of French Creek Road. She asked Mr. Cummins if he could contrast the pro and con as to why the north side versus the south side. Mrs. Holtzmeier inquired as to what the engineering study informed him.

Mr. Cummins advised in looking at the individual sheets for each property they would see that a large portion of French Creek Road there was just not a lot of right of way consistently along the south side. He said there was also a good amount of area of open ditches on the south side in certain locations and if the path were on the south side and they are wanting to utilize the Lustri property then they would have to cross French Creek Road at some point. Also, for much of the route, the north side had a good amount of right of way available and could fit the path within the allowances for how far off they must stay from the roadway and how far they must stay off obstructions. He advised the obstructions that were noted such as mailboxes and the like were places where those could easily be moved to make those clearances work. Mr. Cummins said they identified areas where they could move hydrants out of the way and not be an issue. He stated it just provided a lot more readily available space on the north side.

Mrs. Holtzmeier asked if the hydrants get moved and relocated closer to the street or closer to the residential property.

Mr. Cummins advised it is a mix because the road is not always in the center of the right of way, and it depends on how close it is to the right of way, and it depends on where they must put the path. He said in some areas they move them closer to the road and other areas they will move them closer to the right of way behind the path.

Mrs. Holtzmeier inquired about moving electrical poles.

Mr. Cummins advised they noted some electrical poles to be relocated. He said they had some preliminary discussions with the utility company and the word they received back was that would be a reasonable cost to do and not an overwhelming project type cost. Mr. Cummins stated again they felt that was within the realm of possibility that could be dealt with.

Mrs. Holtzmeier asked more so than on the south side of the road?

Mr. Cummins advised yes, that is his professional opinion.

Mrs. Holtzmeier asked about existing sidewalks. She said there is a particular one mile stretch that already has sidewalks on the north end. She inquired as to how many square feet would have to be torn out.

Mr. Cummins advised he does not have that number off the top of his head, but they would not have both a sidewalk and a path in place. The sidewalk would go away, and the path would come in.

Mrs. Holtzmeier said since the path would replace the existing sidewalk, that path also crosses a whole lot of driveways. She asked how those aprons and those existing driveways, whether mixed use or cement or stone, coincide with that path.

Mr. Cummins advised he believes many of those aprons and driveways are already paved and the path would just but up against either side provided that the grading works and that is something that they will not know until they get into the specific design of the path. He said it might end up being a mixture with some of the path butting up to driveway aprons that are in good shape and graded to match the grading design of the project and others they may need to remove and put in new aprons to match.

Mrs. Holtzmeier advised one of the things they always have to be aware of is cost. To his point, Mr. Cummins thought it might cost less to put that mile long trail on the north side of French Creek Road. She said they also have to be cognizant of time and use and she asked about how long would that construction require these residents to deal with not just the construction of the trail, but the interruption of service such as water and electricity.

Mr. Cummins advised he does not anticipate any interruptions to service as far as water and electricity. He guessed there is the potential of small hours long interactions, but that is not something that is not planned, but sometimes those things happen. Mr. Cummins said as far as the driveways, they would mandate that the property owner would always have access to the driveway and again, much of the time they can make that happen easily and without any interruption. He stated sometimes it comes up because of certain conditions at a particular drive that they may ask the property owner to park at their neighbor's drive for a day or so while an apron is replaced or something of that nature. Again, no matter the project, the goal is always to minimize interruption as best they can to the property owners.

Mrs. Holtzmeier added and to try to maintain the property owners' home value, which is their best and highest investment. She said she is just asking the questions that homeowners have asked her since seeing this topic on the agenda and she thanked Mr. Cummins for answering those questions. Mrs. Holtzmeier felt it begs the question as to why not the south side of French Creek Road. When they talk about all these hurdles to overcome and cost and time and value.

Mr. Cummins advised the south side comes with substantial cost as well if they start buying right of way and enclosing drainage ditches; the environmental aspect of the existing drainage ditches as far as a federal or ODOT type project can be pricey as well.

Mrs. Holtzmeier stated she brings that up because she thinks its an option and that they need to keep an open mind to consider it. She hoped there would be an opportunity to hear from residents because she certainly was not representing all their questions; just some of the best and highest use of them.

Craig Young of 39278 French Creek Road said he appreciates the opportunity to address them tonight. He stated he does not think there is anybody on French Creek Road that is opposed to bike trails, walks or connectivity in general. Mr. Young believes they all support what this body does, but he feels the bigger question is appropriateness. None of them believe that a ten-foot-wide bike path through a mature residential neighborhood is appropriate. This is something that in its current form is almost unanimously opposed by the residents whose homes it impacts. He said that became clear in the meeting that we had with the Mayor back in May. There are a couple of other projects in surrounding communities that he is bringing up for their review and to take under advisement. Mr. Young advised the Mastick Road connector project with the Cleveland Metroparks is a project where the Metroparks received about a half a million dollars to run a ten-foot-wide bike path from the base of the Rocky River Reservation up through to Eaton Road in Fairview Park. He said he attended their meeting and talked with their Development Director and heard the residents' concerns and interestingly they too wanted connectivity to the Metroparks, and they chose to do it with a five-foot wide sidewalk and that is what their plan is throughout their city. Mr. Young stated he asked the question if they thought about a ten-foot bike path, and he received a somewhat quizzical look and they said no and that they were not sure that they would do that. He said secondly, he was not sure if Avon has followed the Metroparks plan to a ten-foot concrete path from Edgewater Park to West 117th Street and that was planned to go along Edgewater Drive and that received a fair bit of opposition from the property owners as well and some were vehement, and it turned into a bit of a PR issue for both the City of Cleveland and the Metroparks. Mr. Young continued by saying that after coverage on WKYC, Crain's and a few other outlets and after a petition from the residents to Council, that plan has been shelved. He stated what he would leave them with is that they do think a bike path is important, but they do not think it is appropriate for it to go down French Creek Road and they would ask Council to formally not approve this and look for other options, which he believes there may be someone to talk about that next.

Dave Selestak of 39332 French Creek Road advised as his neighbor Mr. Young mentioned, they are in support of bike trails, paths through the City. He said he met with Mayor Jensen back in April and at the end of their meeting he was asked a question as to whether he supports this trail and he believes that what he mentioned was that he will not be an advocate for this path; however, he will not be a hostile opponent for it either. Mr. Selestak said he does want to bring up something that Mr. Young mentioned that he has done a little bit of research on and that is the appropriateness of this location for the connection to Sheffield Village and up to the Avon Isle or Detroit Road and whether it was appropriate for that path to run through the front of people's yards. He stated his biggest concern is from a safety standpoint. There are 29 driveways from the Lustri property to the railroad tracks and some are paved, some are asphalt, some are concrete, and some are gravel. There are five intersections of streets that they will be dealing with and moreover there is probably at least 50% and maybe 60% of those homes that do not have sidewalks currently and have never had sidewalks. He said they are all creatures of habit and when backing out of their driveway, they are looking for cars, bikes, and people on the road, if they do not have sidewalks. Mr. Selestak stated once they have sidewalks and or a bike path, that adds a little bit of a difficulty factor into it from a safety standpoint, in his opinion, especially when you have bicycle riders. He advised he has followed a few groups of bicycle riders down French Creek Road and they are going 20-25 mph and it was not a struggle for them to do that so he felt it could be difficult to recognize this group of bikes coming at you as you are backing out of your driveway as they are probably two yards down from you at that point. Mr. Selestak reiterated that his concerns are from a safety standpoint especially if there are children that are harder to see when backing out anyway. He stated he wants to look at an alternative approach to get from Sheffield Village to the Lustri property because that seems to be the appropriate environment for a Greenway Trail especially according to the definition of a Greenway Trail and where it should be located. Mr. Selestak advised he looked at the City's Overview map hanging in the Council Chambers as well as the Lorain County Auditor's website and there are a lot of pre-designated areas that have been set aside for a trail and they start in Sheffield Village and run alongside of the railroad right of way and they wrap around until they touch the right of way for Rte. 2. The trail continues along Rte. 2 and over SR 611 where the Community Health Partners are located. He said he only found one property owner that had private property taken as opposed to an existing easement and it is about a 20' long area on the far corner of their cul-de-sac lot. Mr. Selestak stated his point is if this proposed Avon route could follow that location, it would be in a greener environment as opposed to in a residential environment. It would enable the movement from Sheffield Village to the Lustri property by coming up to French Creek Road through the high tension right of way. He advised there is a set of high-tension wires that run from BJ's Wholesale Club south all the way to French Creek Road and when you come out on French

Creek Road, they would be two property lots from the Stonebridge Development, which is essentially the Lustri property. Mr. Selestak said his input would be to hold off and consider looking at alternatives, that one he just described, and then decide as opposed to moving on this now and potentially setting some precedence on the rest of the City for this trail that may end up being difficult to deal with as well.

Jennifer Demaline of 39345 Lorreto Court asked how the trail will be maintained.

Mr. Cummins advised it will fall to the City of Avon to be maintained. He said they had the Director of the Lorain County Metroparks at some previous meetings back in the Spring talking about just how little maintenance goes into the average bike path; but it would fall to the City of Avon.

Ms. Demaline stated when they say “average bike path” that generally runs through and does not necessarily abut to existing driveways. She said there is a concern of how those level out if this is an asphalt trail and there is a concrete driveway there and if it becomes an imbalance and a hazard; she asked how that is going to be rectified.

Mr. Cummins advised that would have to be physically addressed probably by replacing a section of the asphalt path to the new grade.

Ms. Demaline asked about snow and ice removal if that would be the responsibility of the homeowner.

Mr. Cummins said he believes it was discussed that would be handled the same as snow removal on a sidewalk, but that would fall to City Council to make that determination.

Mr. Butkowski advised Council discussed that the path would be maintained as if it were a sidewalk regarding snow and ice removal.

Ms. Demaline advised she has concerns about that because generally a sidewalk brings an average amount of traffic whereas this is a destination point and there would be an increased level of pedestrians and bikes even in the inclement weather; she felt there would still be an increase in traffic with people trying to access the Metroparks. She asked if the application was for a 2019 TLCI grant to which Mr. Cummins confirmed it is. She asked at what point must the City/Council decide or risk losing funding as it is now nearing the end of 2021.

Mr. Cummins advised there is a specific date of when the City would risk losing funding. He said the current schedule requires the City to file completed plans with ODOT by the end of 2022 for 2023 construction.

7. [RESOLUTION NO. R-27-21 – IN SUPPORT OF SUBMISSION OF A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE \(TLCI\) IMPLEMENTATION GRANT APPLICATION FOR THE INSTALLATION OF AN ASPHALT MULTI-USE TRAIL FROM THE FRENCH CREEK GREENWAY TO THE INTERSECTION OF COLORADO AVENUE \(STATE ROUTE 611\) & HARVEST DRIVE](#)

Mr. Cummins

Mr. Cummins advised this would be if Council wishes to apply to do a second phase of the multi-use trail. He pointed out that the exhibit on the screen overhead is showing that second phase and the main path is the magenta line that loops through the pinkish property, the Lustri property. Mr. Cummins said the idea would be that the trail would come off that magenta line with the green line that heads to the right. A bridge would be installed over French Creek and would come out at the intersection of Harvest Drive and SR611 where the Library is located. The Library could also be a stepping off point to get from that intersection over to the baseball fields which are at the eastern end of Harvest Drive. He stated this legislation would be to authorize the submission of a grant application through the same TLCI program for that potential project.

Mr. Butkowski asked how wide the path will be in phase II.

Mr. Cummins advised again; they would be subject to the ten-foot-wide path requirement.

Mr. Butkowski asked for confirmation that it will be the same thing as what is being proposed in the first phase on French Creek Road, but along Harvest Drive.

Mr. Cummins advised that is correct.

Mrs. Holtzmeier advised Harvest Drive is not a connector street and she asked what kind of street it is.

Mr. Cummins advised he assumes it is just a residential street.

8. RESOLUTION NO. R-28-21 – ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR Mr. Logan

Mr. Logan advised this is a Resolution that Council must pass each year. The County Budget Commission asks that Council certify the property tax rates as they are. Page 5 shows what those tax rates are currently. He pointed out that the City has two renewal levies on the ballot for November 2nd, which is the Fire and Police equipment renewal levies. Mr. Logan said the other is the Library, which is the Lorain Public Library, but the City of Avon collects for the Avon branch of that entity and then pays that out to them every year. He stated the millage for the Library is going up to 2 mills, which was approved when voted in March of 2020 to build the expansion of the Avon branch of the Library. Mr. Logan advised currently the Library levy is collecting about 1.2 mills and beginning next year it is going to start collecting 2 mills.

9. RESOLUTION NO. R-29-21 – TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO THE MILLER ROAD WATER DISTRIBUTION BOOSTER PUMP STATION Mr. Cummins

Mr. Cummins advised the Avon Utilities Department is looking to improve the distribution booster pump station on Miller Road. They want to install new pumps for backup generator capabilities. To improve the longevity of the equipment inside they want to make improvements to the structure itself, insulation, electrical improvements, ventilation, etc. He said the plans have been prepared by an outside architect as well the site work was done by Chagrin Valley Engineering, and they are seeking Council's permission to advertise for public bid.

10. REPORTS AND COMMENTS

MAYOR JENSEN advised regarding the bike path, Mr. Young mentioned that most of the affected property owners were against it, but there are people for it that do not currently have sidewalks in front of their property who would choose the path over sidewalks. He said they should keep in mind, as it has been discussed before with Council, the area that will not have a bike path on French Creek Road and does not currently have sidewalks, those property owners will be asked to install sidewalks at the property owners' expense. Mayor Jensen stated the City will continue to move forward with the sidewalk program regardless. He advised there are residents on French Creek Road who have asked for the path to be installed across their property as that would be at the City's expense.

Mayor Jensen invited the representative from UH to speak regarding the issue at the retention pond on the hospital property. He said Mr. McBride represents the residents in Ward 2 who have complained about the odor.

Chris Pebworth, Director of Facilities at UH introduced himself and made himself available to answer questions from Council.

Mr. McBride advised the basin is long overdue to be cleaned and he understands it is not Mr. Pebworth's fault as he was thrust into this situation with no notice and a lot of it goes back to the days of EMH when there was not money to do anything. He said the stench that emanates from that area particularly in the early evening after the warmth of the day, is intolerable. Mr. McBride stated he has had residents come to his door to complain and of the rotting odor. He said the residents in that area cannot sit outside in the evenings because of the odor and this issue needs to get fixed sooner than later. Mr. McBride advised the ends of the tall grasses were cut down and that was maybe 5-10%, but the outlet needs to be cleaned. He knows there is no access to that area

as the Street Department tried to get a truck back in there to try to blow that open, but they need to get some kind of channel in there to drain that basin. Unfortunately, it would probably need to be a long reach track hoe or something of that nature that is going to destroy one of those paths, but Mr. McBride felt there was no way around it, and it is most likely going to be a substantial cost, but it cannot wait. He said he has talked to the Mayor about the City doing the work and assessing UH, but that would be paid over ten years with interest on the tax duplicate. Mr. McBride recommended Mr. Pebworth approach UH about funding. This issue was supposed to be handled and supposed to be cleaned out as part of the new construction and it could have been capitalized, but now it was most likely going to chew up his budget, which is not fair, but it needs to happen. He stated there are two residents in that area that are very close to contacting major T.V. stations and they are not happy, and he was letting him know that is coming.

Mr. Pebworth advised he has plans, for October 18th to cut the rest of it down. He said they are going to go to capital in December and he was hopeful for a January/February time frame. Mr. Pebworth asked if that was soon enough.

Mr. McBride advised he does not know if that it is going to satisfy the residents because until that smell goes away, it is an issue. He said people in that area cannot use their property, even as simple as cooking on a grill because of the odor. Mr. McBride said there are a couple of guys, he calls rabble rousers, that are very close to reaching out to media outlets and they have not done it yet because of ongoing discussions with the Mayor and himself asking them to wait to see what UH can do. He stated getting someone out there to dredge the channel out in the middle without even cutting it down first might be what they need to do.

Mr. Pebworth advised he would see what he could do about getting it done sooner rather than later.

Mr. McBride advised UH should have some emergency capital.

Mr. Pebworth advised he would keep working with Mr. Cummins and they will see if they can do something sooner.

Mr. McBride thanked Mr. Pebworth for coming in.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 advised Mr. Logan has asked for a 2022 preliminary budget meeting with the Finance Committee. He asked the other members of the Finance Committee if the morning of Saturday, October 23rd works with their schedule. Mrs. Holtzmeier and Mr. McBride indicated that date was agreeable with their schedules. Mr. Butkowski said they would get that scheduled and posted with a start time of 8:00 am in the Council Chambers of City Hall.

MRS. HOLTZMEIER, AT LARGE advised that Ms. Harasimchuk deserved a gold star for organizing the Dog Park contest. She said it was neat to see that there were nine individuals/groups interested in putting together and submitting a proposal especially the young ones. Mrs. Holtzmeier stated she does not know if Ms. Harasimchuk has further plans for that group, but she certainly did not want to lose their interest as she sees a few future budding architects thanks to this contest. She encouraged Ms. Harasimchuk to think about how she can continue utilizing every one of them, if they want and consider them almost like the founders of this project and she was sure Mr. Burik would be a wonderful leader with his resume. Nice work! It was nice to see the residents, especially the younger ones, getting involved in something as the dog park is going to be here in Avon for a long time and hopefully, they will be too.

MR. MCBRIDE, WARD 2 thanked Ms. Harasimchuk and those residents who submitted their entries and he thanked Mr. Burik. He advised Mr. Burik has given a lot of years to Avon on various committees and he has gone above and beyond many times volunteering for the French Creek District and other needs in the City and that is great.

Mr. McBride advised as far as the multi-purpose trail goes, there is a reason that it was proposed to go in front of some front yards on French Creek Road. He said there were other routes evaluated including that alternate route that was mentioned. Mr. McBride stated he does not remember all the history as to why that route was not chosen. He advised they may have to do a quick evaluation of that alternate route, but we need to pull the trigger soon, so we do not lose the funding. Mr. McBride said he does want them to see if it makes sense to go the route that Mr. Selestak suggested. He assumes the suggested alternate route is longer and would be more costly, but he said they should ask if it is a better way to go ultimately to achieve the same goal.

Mr. McBride advised regarding the proposed connector through Harvest Drive, he did not see a problem with coming out by the Library, but he asked why they would not just take it up to Northgate Park. He said there should be sufficient right of way, in fact there was extra public right of way in a couple places and that is where he and Mayor Jensen discussed a phase II of Rte. 611/Stoney Ridge sidewalks would go on the east side next year. Mr. McBride stated the multi-purpose path could be added in that area in place of sidewalks and go into the park where there would be trails anyway. He advised he did not know if there was a specific need to go over by the baseball park.

Mr. Cummins advised Harvest Drive was added in because the baseball park is another community feature. He said the most important part is getting to SR 611, another connection point that can be branched off and go in different directions. He said there has been talk of pathways along SR 611 and Northgate Park is a spot that they would want to get to eventually. Mr. Cummins stated the draw of getting to SR 611 with the Library being right there is really the important part of the application, and it could be pared back to end at that intersection.

Mr. McBride thanked Mr. Cummins.

MR. MOORE, WARD 3 was absent.

MR. RADCLIFFE, WARD 4 had no comments.

MR. WITHERSPOON, AT LARGE had no comments.

MR. FISCHER, AT LARGE reminded Council that there would be no meeting next Monday night because of Columbus Day. The next City Council Meeting will be held on Tuesday, October 12, 2021.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER thanked Mr. Pebworth from UH for coming in tonight. He advised he knows things have not progressed as quickly as anyone would have liked, but Mr. Pebworth has been good to work with and the fact that he would come here tonight to hear Council's concerns firsthand speaks to that.

MR. FARMER, SERVICE DIRECTOR was absent.

MS. FECHTER, ECONOMIC DEVELOPMENT/PLANNING COORDINATOR was absent.

MR. GASIOR, LAW DIRECTOR had no further comments.

MR. LOGAN, FINANCE DIRECTOR had no further comments.

MR. STREATOR, SAFETY DIRECTOR had no comments.

AUDIENCE:

Corey Barnes of 4676 Churchill Drive asked regarding the Greenway Trail timing, if Council votes to proceed as currently shown what would be the shovel in the ground date be?

Mr. Cummins advised the current construction would begin in approximately March of 2023. He said they have to file plans at the end of 2022 and that is going to be dependent on the route and what environmental issues or concerns they run into getting through the Lustri property or in that area. Mr. Cummins stated those issues could have an impact that strings it out somewhat, but that is the current schedule.

Mr. Barnes inquired how long he would estimate that it will take to build the whole thing, meaning Phase I, for that length of trail.

Mr. Cummins advised one construction season.

Mr. Barnes inquired if the ten-foot width of the trail is contingent on the federal funding.

Mr. Cummins advised that is correct, that is the federal requirement for a multi-purpose path.

Mr. Barnes asked for clarification that if it was decided to go with a narrower width, the City would forfeit that funding.

Mr. Cummins confirmed that the federal funding would be forfeited.

Mr. Barnes advised he knows the City received American Rescue Plan Act funding and would be receiving more next year as well. He said some of that funding is earmarked for infrastructure and he does not know exactly what that entails and asked if that could be applied toward this kind of work for a trail as public space.

Mr. Cummins advised to his knowledge a lot of the ARPA funds are geared toward sanitary sewer, water main distribution, fiber optics and that is the main focus.

Mr. Barnes asked for clarification that if they changed it to an alternate route the City would have to resubmit for the grant that has already been approved. He said does the City receive that money no matter what or do they risk losing it if the route is changed.

Mr. Cummins advised they must submit a request to NOACA if they want to go through the Lustris property and if they want to change to an even different route, they will have to ask and that would bring a whole set of other questions into play that would have to be answered and would have to be evaluated.

Craig Young of 39278 French Creek Road advised the Mayor was accurate and he did make the comment that it was almost unanimously opposed. He said there are a couple of homeowners who would, due to the size of their frontage, rather have the City pay for it. Mr. Young stated he submits to them that there are others who would be willing to self-assess and put in sidewalks.

Bob Isgro of 38600 French Creek Road advised at the informal meeting with the Mayor in May, they requested that all affected residents be notified by regular mail when anything is going to take place with the trail so they can attend the meetings and that has not happened, and he is requesting that again. He said a lot of the people on his street are elderly and do not have Internet and do not know how to access the City agendas and he felt it would be better for all of them if that would happen.

Mr. Fischer advised Mr. Isgro could contact the Clerk of Council to be added to an ongoing notification of all Council Meetings by email.

Mr. Isgro said he felt it should be sent by regular mail because a lot of people on his street do not have email.

Mayor Jensen asked Mr. Gasior to provide the official ruling on a request like that as he has had discussions that since this trail will be in the right of way, the City was not required to serve notice.

Mr. Gasior advised if Mr. Isgro is requesting notice of meetings, he believes the City could accommodate him, but to the Mayor's point he will have to look at that statute. He said anytime the City does anything that involves public property such as a road project the City would just go ahead and do it and would not notify people outside of the publicly posted agenda. Mr. Gasior stated when private developers do things, it is usually required under Planning Commission rules and Council's Ordinances to notify abutting property owners, but he does not think that is generally the case when it comes to public improvements. He said when a resident asks for notification, as a courtesy to the resident, they probably should respect their wishes and do that, which is why he believes the Council President suggested Mr. Isgro contact the Clerk of Council and he could be added to a mailing list.

Mr. Isgro said OK, he would tell all his neighbors about that too.

Mr. Isgro advised he was incensed by one Council Member's assertion that a couple of homeowners were labeled as rabble rousers because they were going to contact the media. He said they are not rabble rousers, they are taxpayers. Mr. Isgro stated that comment to him was one arrogant son of a gun to suggest such.

George Kelovsky of 38191 French Creek Road inquired if the sidewalk minimum width recently changed from 4' to 5'.

Mayor Jensen answered yes.

Mr. Kelovsky said he has a lot of frontage and that is going to be a big difference in cost. He asked if there is going to be that much traffic that a 10' path planned for the north side and the south side of the road will be required to install 5' wide sidewalks.

Mayor Jensen advised they will look at his property specifically, because if it is going to connect to an existing 4' sidewalk then 4' sidewalks would be all that is required for him to install. He confirmed that Council passed that new sidewalk would be required to be 5' wide in areas where they would not abut against an existing 4' sidewalk.

Mr. Kelovsky advised it seems like the City is building a house here without the final cost based on some of the questions Mrs. Holtzmeier asked Mr. Cummins. He said down by his house is the Wagner Ditch, which is a big ditch, and he felt the City was going to have to cover it on both sides. Mr. Kelovsky stated there is also a guard rail across from his house that extends into the neighbor's property that protects his mother's rental property. He said that guardrail now must be removed for this path and discussions need to happen about putting a guardrail back up. Mr. Kelovsky advised there is a lot involved here and the City and Council do not have the answers, but they still want to go forward with this project.

Mr. Cummins advised until they get into the engineering design process, he does not have answers for him yet for a lot of those very specific type questions. He said all those issues would have to be worked through in conjunction with the property.

Mr. Kelovsky thanked everyone for their time.

11. ADJOURN: 8:58 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