

**PUBLIC HEARING  
TUESDAY, OCTOBER 12, 2021 AT 7:25 P.M.**

**7:25 P.M.** – Council President Fischer opened the Public Hearing for Ordinance No. 67-21.

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

There being no comments, the Public Hearing for Ordinance No. 67-21 was closed at 7:26 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, OCTOBER 12, 2021  
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 in the Pledge of Allegiance.

**PRESENT:**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large and Council President – Brian Fischer; 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; 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 Streater; Clerk of Council – Barbara Brooks

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, SEPTEMBER 20, 2021**

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, September 20, 2021, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, SEPTEMBER 27, 2021**

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, September 27, 2021, 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.

**OVERVIEW OF THE FRENCH CREEK GREENWAY TRAIL**

Mayor Jensen noted that there were a lot of people at the meeting tonight. He said that never in his wildest dreams did he think that we would be here tonight in disagreement. In 2017 when we started this, the bike trail/walking trail was the thing that everybody wanted. It started with a survey of the

residents and 97% of the people wanted a bike trail and a walking trail in that order and so we started to move forward with that process and it was something that was transparent from the very beginning. The Mayor said that he thought tonight we would be here and would be celebrating that we were moving forward with it but obviously that is not the case with some people. And so he wanted to go back over the process with everybody just to see how we got here, with transparency, and with meetings that we had to discuss where we wanted the bike path to go, and how important that we thought it was in terms of continuing to move forward and taking those steps. Even looking back to 2017, to think that we are already in 2021 and we are still at that process so tonight we are just approving an engineering process to keep moving this forward.

The Mayor asked the Clerk to display the map of the overall view of that area. You can see in yellow where the bike path would go and then surrounding that area are all the houses that would benefit from the bike path in terms of being able to connect those neighborhoods. The path would take you back to the Lustri property which is in the process of being purchased and that would take you all the way out to Sheffield, into Lorain, and Elyria and also on the other end for us, taking you into the downtown area. He said that he thought there are 1,522 houses that benefit from having that path where it is located. The Mayor stated that he did not choose the location; the professionals looked at where they thought it should be located and they considered practicality, cost, and other expenses. We have seven Ordinances/Resolutions that continue to move forward and we are here tonight to vote on whether we should move forward with the engineering and that will decide where it goes through there. He noticed, because he has received text messages, etc., that a lot of this has been played out on social media and he wanted to clarify some of that for everyone. The Mayor then asked Randy Lane, representing NOACA, to come forward and go over why this was selected as a first step and also to talk about sources of funding because people are concerned about who is going to pay for it.

Mr. Lane stated that NOACA is the agency that partnered with the City of Avon and Sheffield Village in completion of the Master Plan with the focus of connectivity to parks, schools, downtown, and ultimately regional connections looking at how we would connect to the French Creek Reservation and the wonderful facilities that connect Elyria and northerly to Lorain. So we were looking at it from a regional perspective when we entered that study. He said that he was there tonight to offer clarifications and to answer questions specific to the NOACA funding or specific to the NOACA plan. This project was applied for by this body back in 2019, specifically for a bicycle facility, multi-purpose facility, which is not just bicycles but is designed for use by all modes: pedestrians and bicycles primarily but there are other occasional modes as well such as scooters, etc. When NOACA looks at a project, we partner with the City, and look at the project against our project criteria. This project was applied for through our Transportation for Livable Communities Initiative. The primary tenants are to provide additional travel options to connect people to places of activity, to enhance community livability, community health, and community recreation. Those benefits are associated with the program so we are specifically looking at increasing community livability through those types of goals.

Mr. Lane said that the project, as NOACA reviewed it, went to those goals in terms of connecting residents in Avon to Avon City-wide assets, the parks, as far as Schwartz Park on the east side to the west side to Sheffield Village and ultimately getting the westerly connections to French Creek Reservation, which from a regional perspective, is what we were in the business of doing. So that was a really big benefit to what we saw in the application.

Mr. Lane stated, in terms of the funding options, we worked with Envision as a regional agency, and he knows they worked with other agencies as well to identify potential funding sources that we know are available for these types of projects. NOACA has three programs that we administer that have eligibility for these types of facilities. The Ohio Dept. of Natural Resources manages a recreational trails program, a Clean Ohio program that supports acquisition and construction of trail facilities. He said that he knows there have been several earmark opportunities through the State capital budget and appropriations that have been pursued here and by other communities. Speaking to general fund sources, there is a variety of Federal, State, and sometimes even local funds if there are organized committees that hold fund raisers, etc. And so regarding funding, there are options out there to continue to pursue for the additional phases. The plan that NOACA partnered with the City on, was for a City-wide plan so hopefully, whatever phase we start with does not stop at that phase and it continues to impact all residents and provide alternate means of transportation, recreation, and health for all residents in the City of Avon.

Dave Selestak, 39332 French Creek Road, asked if Mr. Lane had said that Envision was the engineering firm that did all of the work on this? Mr. Lane responded that Envision was hired by the City to complete the Master Plan. Mr. Selestak then asked if Mr. Lane knew if they had a Safety Engineer on their team that did this work and Mr. Lane said he knows that they are a general practice engineering consulting firm; they have planners and engineers.

Mr. Butkowski said that there was some discussion when this was initially proposed that the trail was actually to start at Detroit Road and then go all the way down but there were no trailheads. Today, we now have made a modification so that there is a trailhead at Avon Isle. So as far as NOACA and their ability to change or modify what is being passed, what does that look like? Mr. Lane said that was one of the main points that NOACA brought up during the original presentation and the application that was submitted because we wanted independent utility. Regardless of how far the phases are going to go, if we are going to put Federal money into a facility, it has to have that independent utility for that phase that we are constructing because what we do not want is a trail to nowhere. So we worked with the City and the more potential options we were looking at, it did end up being Avon Isle, but we were also encouraging, if it was not Avon Isle, some sort of trailhead adjacent to Detroit Road that would be able to serve in that capacity. So regarding general modifications, our Board funded this project based on the benefits of this facility as a regional bikeway and if there are any modifications to that original scope or purpose and need, the City would have to go back to our Board of Directors and make that request or return the money to NOACA and recompetete through the program for another project with different merit.

Mr. Butkowski said, so there is some latitude for modification; it just has to meet those requirements that are set out before NOACA? Mr. Lane responded that he could not say that there is latitude; that is up to the NOACA Board to decide and ultimately the project would have to be reevaluated against whether or not a project of a lesser scope or modified scope would still meet that criteria or the merit of that program. So it has to come back to our Board of Directors for a decision. Mr. Butkowski asked if it had to come back because it was approved starting at Detroit Road without a trailhead but now there has been a modification to create that trailhead. Mr. Lane said that was a condition that we worked with the City on prior to even selecting it for funding.

Mrs. Holtzmeier stated that Mr. Lane said that he could not say that there is latitude in the plan and the application in answer to Mr. Butkowski's question about the trailhead, but isn't that the reason that this is coming up for us today and that we are here to really look at a modification, Phase 2? Mr. Lane said that he was not aware of a modification that this Council is looking at. He has not been presented with any modification to the scope that NOACA awarded and funded. If that is the case, and after this Council

meeting, we have a process for a community submitting for revisions and/or withdrawing a funding award because of the inability to meet that original award.

Mrs. Holtzmeier stated that putting a trail where it may be more appropriate for the community is one of those things that you have the ability to look at. She asked Mr. Lane if it would surprise him that the Phase 2 that we are here for today is not on the master plan? Mr. Lane said that is not for him to weigh in on. He has not seen an application for another phased facility but regarding your original statement, the trail alignment that you see here on the screen is exactly what was passed by Council for application to NOACA back in 2019. Mrs. Holtzmeier clarified, for Phase 1. Mr. Lane said, yes, for Phase 1. Mrs. Holtzmeier said what he was talking about is engineering for Phase 2 which brings the trail over to Harvest Drive and this is a concern of a lot of folks here in town. Mr. Lane said he was not sure that is a fair question for him to answer on a project he has not yet seen, and that NOACA has not evaluated and/or placed funding into. Mrs. Holtzmeier said that the reason she was bringing it up in this line of questioning is because we are kind of being told two separate things. We are told in this first process throughout the summer of 2019 that these recommendations needed to be put in and they were pretty concrete, that to change them or modify them would take a Herculean effort. Not that they could not be done but nobody could give us a sense of timing or probable success, but now what she is hearing is, no, there is some latitude there. Mr. Lane responded that there is a process, not latitude. What he said is that there is a process to request revisions through our NOACA Board of Directors, in regard to funding, in regard to the applied-for scope that was submitted from the Master Plan and ended up at NOACA for review and evaluation.

Mr. Cummins stated a couple points of clarification: There are actually two items under consideration tonight. The first item is moving forward with what is known as the Phase 1 project that NOACA approved. The key component of the Phase 1 project was to get from the Sheffield boundary to Detroit Road. Initially that was done all within the French Creek Road right-of-way. Since that time when it was approved, the Metroparks received outside grant funding and are in the process of constructing the Lustr property and so in order to move forward with Phase 1, one of the things to be done besides the basic engineering of the plans, is to make a submission to NOACA, seeking to change the eastern end of the project that is going within the French Creek Road right-of-way all the way to Detroit Road, to change that to go through the Metroparks Lustr property. That is one step and the basic engineering is another step. We also have to come to an agreement for property rights issues with the Metroparks. That is a third part of that. So those are the first things dealing with Phase 1.

Mr. Cummins said that later this week is the next round of Transportation for Livable Communities Initiative Grant funding will take place. We looked for a project that builds off from what has been previously approved and also lends itself to connecting important community features, so after discussion with the Administration, it was decided to try to have this Phase 2 project go from within the Lustr property to the intersection at the Library. The Library is under expansion and is definitely a community drawing point. So Mrs. Holtzmeier is correct. It is not shown in the Master Plan per se but it is definitely in line with all of the goals expressed in that Master Plan. Again, this is just an application. NOACA will have to do their own evaluation as to how that fits those goals and how it fits within the funding that they have available. So the Resolution on the agenda tonight is really just to make the application, nothing beyond that at this time.

Al Martinenas, 37187 Harvest Drive, said that his major concern is safety. He said that he and his family went to the Rocky River Metro Park to walk with their dog on Saturday afternoon. They have a nice trail, about 10 ft. wide, as is being proposed here in Avon. Not only were there people walking and

biking, but there were skateboarders, runners, and people on roller blades and as you are walking along, your dog has to be right by your leg because all these people are wanting to pass, and you are just afraid that either your dog or your child is going to step out and be run over. And that is in a Metro Park area; what is proposed here is going through a residential area. Phase 2 would stay consistent with French Creek Road, with the 10 ft. wide asphalt trail down Harvest Drive. People are going in and out of their driveways, little kids are playing in their front yards. He does not know how many people are going to actually utilize this trail but safety should be a priority because you do not know what is going to occur with skateboarders, people on roller blades, cyclists, runners, etc. It seems that a Safety Engineer or somebody should have looked into what liabilities there are, not only for the homeowners, but also for the people that are utilizing the trail. It is a great idea on paper but put into practicality..... Mr. Martinines then asked if the 10 ft. asphalt trail would go across through the Library down Harvest Drive and up to the Little League Park. Mr. Cummins said that may be part of the discussion for the Resolution. It was discussed last week about maybe not putting it down Harvest Drive but instead taking it over towards Northgate Park. So maybe that is something that Council will discuss and we can formulate the application accordingly.

Mayor Jensen stated that since there is the concern about safety, he would ask Safety Director, Duane Streator, to briefly go over the safety aspect of it.

Mr. Streator stated that from the aspect of a 10 ft. wide bi-directional path obviously it is a funding requirement to have a review for safety purposes because we would have a bi-directional trail and would anticipate people passing because it is a multi-modal path. We will be having different parts of our community using this path. And to move the most people the most efficiently, this is the way to go rather than having 4 or 5 ft. wide sidewalks. As the Mayor indicated before, the number of residents that we are looking at as the potential using this path to get to the parts of our community that we want them to do, this is the most efficient and safest way to do it. To have a path that is near the roadway is obviously not safe at all. The traffic on French Creek Road has been brought up and the statistics that we have gleaned from the one radar device down there show that the average speed on that road is 32.6 mph. Most of the vehicles are traveling from 26 mph to 40 mph but that does not mean that there are not vehicles that exceed that.

Mayor Jensen said that he knew that Mr. Ziemnik was there tonight and so he asked him to come up and maybe clarify some things that we had talked about with the Metroparks and about how we got to this point where the Metroparks and the City of Avon have been working together to benefit the community.

Jim Ziemnik, Director of the Lorain County Metroparks, 39074 French Creek Road, stated that if the proposed trail is constructed in Phase 1, it will be in front of his house, too. He said that, for the record, he was in favor of the trail, but speaking as the Director of the Metroparks, he would give some history of how we all got to where we are. In April of 2019, we were invited here to Avon City Hall to meet with NOACA, Mayor Hunter of Sheffield, and Mayor Jensen, and we were invited to become part of that bicycle and pedestrian Master Plan because NOACA, Sheffield Village, and the City of Avon had expressed an interest about collaborating to talk about connectivity to the parks, and getting people to and from. We were excited to be part of it because we do not just represent one community; we represent the entire County and this was collaboration for a regional presence to better serve the County and our residents.

Mr. Ziemnik said, so that was April, 2019, and in October of 2019, the City of Avon, with Council Resolution, applied for funding for the French Creek Greenway down French Creek Road, from the

railroad tracks at the border of Sheffield up to Detroit Road. They were successfully funded by NOACA. In October of 2020, once that was underway and had been approved, the Metro Parks then applied as part of the partnership for the French Creek Greenway in Sheffield down French Creek Road from the tracks to Abbe Road. That was an application in October, 2020, and we just got a letter in August, 2021, that we were awarded those funds and to proceed, so we are going to be getting underway. We have meetings this week with consultants, ODOT, etc. to get that underway. Right now we are waiting for final approval from both NOACA and ODOT but we are anticipating a completion date for that part in 2023.

Mr. Ziemnik said there was discussion earlier about the Lustri property and where that fit into the timeline. That property is at the corner of French Creek Road and Detroit Road, and at the time the plan was completed, that had not been acquired and was not part of the plan. There was a commitment to get to Detroit Road, an obligation really from NOACA. We were interested in that property anyway because, of its preservation of green space, and open space along French Creek. So there were a lot of attractive things about that property, so we put forward an application for Clean Ohio funding and we got it. Again, in conjunction with our partnership here with the City and Sheffield Village, once we had the property, we proposed working together to get the trail through there which again, ultimately served one of the goals of NOACA to have a logical termini which is at Avon Isle right there by the historic French Creek District.

Mr. Ziemnik said, so that is all part of the history and the timeline of what transpired.

Mr. Butkowski thanked Mr. Ziemnik for working with the City in regard to acquiring the Lustri property and said that he thought that piece of property is probably the best piece of property in the whole City of Avon. He then asked Mr. Ziemnik to clarify the composition of the trail in Sheffield that is going to be coming up to the Avon border. What does the trail look like and where does it start and end?

Mr. Ziemnik said that the trail will start (moving from east to west) at the railroad tracks, which is the border between Avon and Sheffield and head west toward Abbe Road by the UAW so that will be in the right-of-way. Tomorrow they will be talking with the consultant about what side to be on. They have had preliminary discussions with Mayor Hunter of Sheffield because we are going to look in detail at the north side so we have continuity because Avon is committed to be on the north side. We will go down to the overpass across I-90. There is an existing sidewalk there and that bridge is not that old so to get ODOT to widen that out to a 10 ft. wide lane is not going to happen soon so we will cross over the bridge and then the trail will again widen back out to 10 ft. and we get down to the intersection where UAW is. So that is the game plan right now.

Mr. Butkowski said that Mr. Ziemnik had mentioned that Sheffield received some funding and he asked how much of that funding is going to cover the cost of that entire trail in Sheffield? Mr. Ziemnik asked which section Mr. Butkowski meant and Mr. Butkowski answered where the trail does not exist and is going to be put in. Mr. Ziemnik said that he did not remember the exact number but traditionally with NOACA there is an 80%/20% split. NOACA has done some up to 50%/50%, depending on the circumstance but he thought that one they were able to get at 80%/20%. If our number goes up from our engineer's estimate, then we will have to pay more of that share. But he cannot remember the exact estimate for that section from the tracks to Abbe Road. Mr. Butkowski asked who is paying the 80% and who is paying the 20%? Mr. Ziemnik responded that NOACA/federal funding pays the 80% and Metroparks is paying the 20%. Mr. Butkowski stated, so Sheffield is not paying anything and Mr. Ziemnick said on that section, no, but there are some agreements because the Metroparks are doing other things in Sheffield such as bringing a trail across by S.R. 611 and E. River Road and Sheffield is donating

a substantial easement to make that happen so that was all part of an agreement where they would do that and we would do this. And once this project in Avon had been committed, and the trail was going to get down to the railroad tracks, we got together and took a hard look at it. The Village of Sheffield likes to build sidewalks which are anywhere from 3 to 5 ft. wide and that is the extent of what they would do. We looked at the project and said how can we better get people safely the rest of the way down to Abbe Road and ultimately into the French Creek Reservation. And if you look at that respectfully, how many people there in Sheffield at that section are really going to enjoy that trail? It is really serving the citizens of Avon. Mr. Butkowski asked what was the estimated cost to do that project? Mr. Ziemnik said he thought that it was approximately at the half-million dollar mark. He apologized for not having that number but said he could certainly get that quickly and easily for Mr. Butkowski.

Mrs. Holtzmeier said to Mr. Ziemnik's point that he said that Avon residents are going to really be utilizing this trail more than Sheffield and will be able to enjoy it. This is not a one-way trail, right? Mr. Ziemnik said, no, it is a 10 ft. wide trail. People in Sheffield could come into Avon and come down to Avon Isle and the historic district; yes, they could certainly do that. Mrs. Holtzmeier asked what the distance was for them to do that. Mr. Ziemnick said that their length of trail is somewhere about .7 of a mile from Abbe Road to the tracks, and from the tracks to Avon Isle is.... Mr. Cummins interjected that it is just about a mile within the right-of-way plus whatever the length is through the Lustri property. Mrs. Holtzmeier asked the distance from the entrance to the French Creek Reservation and Mr. Ziemnik said it is a half mile from French Creek Reservation to Abbe Road and then from Abbe Road to the tracks is about another half mile plus what you are building here in Avon from the tracks to Avon Isle. Mrs. Holtzmeier said, so to get to the closest part of the Lustri property it is about 3 miles and then to go that further distance to Detroit Road, you would say was about a mile so it is a bit of a hike to get there if you are coming from Sheffield. She noted that Mr. Ziemnik had mentioned earlier that the Lustri property was not part of the plan and she thought he meant it was not part of Phase 1. Mr. Ziemnik said, that is correct. We had applied to Clean Ohio for funding to acquire the Lustri property but it took two cycles because in the first round of funding we were not successful. But in December, 2020, we did get the funding and the acquisition is now going through closing.

Mrs. Holtzmeier said that she concurred with Mr. Butkowski that that is an excellent property and is a wonderful acquisition on the part of the Metroparks. She thought what we are underscoring is that this plan is fluid and it is fluid to change to be in a more appropriate location, and to add other potential acquisitions to it. One would say it is fluid enough to wind up on Mr. Ziemnik's street as well as on hers. Actually, it is on Mr. Ziemnik's street and it may end up on hers because what this fluidity does is to set a precedent. We have not had a trail before; we do not have a lot of language in our Code to tell us what we can and cannot do. But it is good to understand the fluidity of it. But just so she was clear on the other part that Mr. Ziemnik said – it was not the City of Sheffield but was the Lorain County Metroparks that applied for the grant? Mr. Ziemnik said that was correct; Lorain County Metroparks made the application and is the sponsor for that section of the trail. Mrs. Holtzmeier added, and the funding sponsor as well. Mr. Ziemnik said, absolutely.

Mrs. Holtzmeier then asked, why not do the same for Avon? Mr. Ziemnik responded that, in timing, they were not part of this Phase 1 that was approved in October of 2019. They have really just gotten into the plan. It is his understanding that the entire plan started in 2017 and the Metroparks was not invited to become part of the entire plan until April of 2019. In October of 2019, this body voted that Resolution to go after the NOACA funding. So the Metroparks was not really even part of that part of it.

Mayor Jensen asked what the value of the Lustri property was and Mr. Ziemnik said that it approached \$2 million dollars. The Mayor noted so we put in \$300,000 as the City of Avon and you are footing the bill for the rest of that. Mr. Ziemnik said that there is State funding and 30% to 35% is what Lorain County Metroparks' share is. Mayor Jensen said, so for \$300,000 from the City of Avon we gained \$2 million of real estate out of it. Mrs. Holtzmeier stated, and in return, Avon taxpayers put in a little more than \$1 million when we are all done, to put a big trail in front of houses.

Mrs. Holtzmeier asked Mr. Ziemnik that if Avon had asked, would he do the same for us that he is doing for Sheffield? Would he have put in the application? Mr. Ziemnik said that is a difficult question. He thought that they would have a discussion as they always do about how to get things done. He can tell her very factually, his Board questioned that because they have to approve those types of transactions, that application and the funding for it. This is all we are doing at this point. Avon has their piece and the Metroparks is looking to continue on in this partnership to bring this trail further down French Creek Road and into French Creek Reservation. He does not speak for Mayor Hunter and the Village of Sheffield Council but he did not get the impression when we had those discussion that they were going to be jumping into that void and as part of the partnership, the Metroparks felt that it was important to continue that trail because as we talk about logical termini, potentially the termini was going to end up at the railroad tracks and then what? And so it was sort of like, how can we continue this on to achieve the goal that we are trying to achieve to make a connected trail throughout the communities that is going to serve the greater number of people. Mrs. Holtzmeier asked if that was a yes or a no? Mr. Ziemnik said that he could not say if it was a yes or a no. Like anything else, they have discussions as to how to best share on things, whether it is land acquisition, it is trail construction, it is Miller Nature Preserve, it is the Avon Jaycox/Riegelsberger trail, the connection that will ultimately go from Schwartz Road Park through that wetlands site through Miller Nature Preserve. So they have these discussions as to serving the greater good. We all serve the same people.

Mrs. Holtzmeier stated that precedent is really important in serving those people as well and making sure that we are protecting their greatest assets as well as serving the greater good. She said she thought that connectivity is fantastic when done wisely. To that point, just so she was clear, is that trail in Sheffield going on the north side or the south side? Mr. Ziemnik said that they have not made that determination but they are leaning heavily to the north side. Mrs. Holtzmeier asked what his grant approval stated and Mr. Ziemnik said that in their grant application, they did not specify north or south. Mrs. Holtzmeier asked, and it was approved without a map of where it was going to be? Mr. Ziemnik said that they had a map and you are looking at a map with a red, dashed line that is going down French Creek Road from Abbe Road to the tracks. Mrs. Holtzmeier asked, in front of homes? Mr. Ziemnik said that there are no homes in that stretch from the tracks to Abbe Road and Mrs. Holtzmeier said, yes, but his trail is going to the French Creek Reservation. Mr. Ziemnik said that he stood corrected; from the tracks to Abbe Road, he thought there was one residence and there is a storage facility on the north side when you get down towards Abbe Road, there is the UAW. On the south side, the new road is cut in for a new housing development but from that point to Abbe Road, on the south side, there are no more residences at that point. Now going from Abbe Road to French Creek Reservation, there are plenty of single-family homes and there is not much right-of-way from French Creek Road to the edge of the properties.

Mayor Jensen stated that Avon never made a distinction of which side of the road the trail was going to be on for us. When we applied for the grant, we did not make the decision of what side we should go on until we found out which side had the easement and the biggest area to put the path on so we would not have to be purchasing property and in Mr. Ziemnik's defense, we did not make that decision until just as of late. We got the commitment of the money before that. Mr. Ziemnik stated that it really does require



a much higher level of engineering for utilities and easements and he was sure the Mayor and Mr. Cummins and Ms. Fechter can speak at length about how much has to go in just to put an application in and that is why those levels of details are not really determined until after you go through the process. But Mrs. Holtzmeier was asking about from Abbe Road down to French Creek Reservation; we are not on the north side. At that point, when we get to the intersection of Abbe Road and French Creek Road where the UAW is, it is all residential on the north side. Mayor Hunter had asked consideration and talked about building a side path down that north side. The Metroparks was successful in acquiring the 47 acre property by the church, after talking with the property owner since 2015, and we have already started a trail so there was actually already a 10 ft. wide lane through most of that so we have half the trail already constructed. So we are not on the north side at that point; we are going to cross the street at the intersection of Abbe and French Creek Road.

Mrs. Holtzmeier said, so the trail will cross that intersection and Mr. Ziemnik said that was correct; there will be a crosswalk/traffic lights, etc. Mrs. Holtzmeier stated so the trail will cross that intersection and Abbe Road is a street that semi-trucks travel; that is a through-truck street. Mr. Ziemnik said, yes, it is a State route. Mrs. Holtzmeier said, yes, and the semis at that point will run the yellow because they want to get through. Mr. Ziemnik stated they are going to get a traffic engineer to make sure the signals are working properly. Mrs. Holtzmeier said, to that point, in Avon when we did not know which side of French Creek Road we wanted to put Phase 1 on, we spent the money on engineering; we appropriated \$50,000 for that. She asked Mr. Ziemnik if the Metroparks had spent any money on engineering to help them with their decision-making and Mr. Ziemnik said at this juncture, no, only because they are just getting started. They have gone through an evaluation and his Board is actually going to approve the consultant at next week's Board meeting, so engineering is coming. Mrs. Holtzmeier said that she hoped that it is an engineer that is very safety-focused and can give you some guidance on that Abbe Road/French Creek Road intersection. To his point of saying that it is a lot of Avon residents that are going to be coming over the 4 mile trek to the French Creek Reservation, her concern is for their safety and for anyone using the trail. And there are some reservations about that. Mr. Ziemnik said that they feel a lot better about putting people on a paved trail than letting them walk or ride in the street. We are not at odds at all about safety of residents and pedestrians and park users and all people. So we want to get them off the road; we do not want them walking on a 2 ft. trail or on the road, so that is why we do advocate for off-street trails.

Mrs. Holtzmeier noted that when you enter the entrance of the French Creek Reservation, there is almost a mile before you get to a single trail. She asked Mr. Ziemnik how they were getting people off the road in that one-mile trek from French Creek Road to your first wood-chipped or dirt or gravel trail. Mr. Ziemnik responded that they are in the process of applying for a TLCI Implementation grant to come off from French Creek Road with a dedicated trail that is off the road. He cannot explain why that 2-lane road was built and people were expected to walk and bike on that. That has always been a pet peeve of his since he became the Director. So they are moving forward with an application to construct a trail off that two-lane road.

Mrs. Holtzmeier stated that one thing in favor of the Lustris property is that it has a lot of fingers to it. There are pieces of it that touch Detroit Road, that touch Colorado Ave., and that touch French Creek Road. There are a lot of options as opposed to just a land-locked island of property. There may be a more appropriate way to get residents a safer, more enjoyable and acceptable experience vs. going in front of residential property. She knows that the proposed trail is the quickest way but it may not be the most enjoyable or the safest. Because the Lustris property provides so many other alternatives, she asked if there was any consideration on exploring that to give our residents a better experience? Mr. Ziemnik

said, yes, he thought there would be. Evaluation is always an ongoing process once we have talked here tonight. We would certainly consider that if the Administration and this Council encouraged it. He thought that they would owe it to the City to consider it. We try to be as cooperative as possible because we are all in this together. Mrs. Holtzmeier thanked Mr. Ziemiak for answering her questions.

Mr. Martinenas stated that, listening to Mr. Ziemiak's conversation, he would like to reiterate that it seems like the cart was put in front of the horse as far as safety goes. The number one thing that should have been done is the funding should have been in front to look at all avenues of the safety, not only for Avon residents, but for Sheffield residents, and anyone who plans on using this trail. He said that the number one concern here is the people who use it. From what he has heard right now as far as safety concerns, he would not let his grandkids use the trail until all of the safety issues are addressed. As he said, there are not only cyclists, you are going to have so many people using it, and in both directions. And there are all the obstacles that are around traffic. Look at S.R. 611 and the trucks going up and down, let alone Abbe Road. He said that his point was to stress in what is being done here, to please take into account the safety of the residents of Avon, Sheffield, and anyone who would use what is proposed here.

Mayor Jensen said that he was going to have Mr. Cummins go ahead and show the tentative path just so everybody gets an idea of where existing sidewalks are, etc. If Council passes it, then there will be some engineering and we can always talk about little tweaks or moves on it, but tentatively this is what it would look like.

Mr. Cummins explained that when we started the process of looking at this project, once we knew that we had received the grant, we started looking at placement of the project and it became obvious that French Creek Road is not always within the center of the right-of-way so we did go ahead and do the full horizontal center line survey of the roadway as well as topographic survey of the roadway so that we could start having some hard answers to where the path fits currently and where we would need to require right-of-way, etc. He said that he would flip through the slides and that he was more than happy to answer questions either tonight or another night. He noted that the dark gray line on the slide he was showing was the proposed 10 ft. wide path. Federal requirements are that we stay 5 ft. off from the edge of the pavement and 3 ft. off from obstructions. The red line is one right-of-way line and there is another right-of-way line kind of in the ditch area on this page towards the bottom. You can see that there is quite a bit more right-of-way to the north than there is to the south. We tried to keep that fairly consistent and when there was extra distance we tried to maximize the distance off from the edge of the pavement for safety. He stated that he would like to say that safety is always paramount in all of the federal requirements, the NOACA requirements and ODOT requirements, and is looked at every step along the way.

Mr. Cummins then displayed more of the slides showing the tentative trail. He stated that we identified where existing sidewalks are and where those would come out. Again, where we had extra right-of-way, we took the path farther off from the roadway. We would be formalizing crossings at each roadway with very high visibility crossing markings and obviously there would be a good amount of signage that would go in the final plan as well. Where we could avoid obstacles we would vary the path and we also tried, in general, not go to a farther than where the existing sidewalk was and by and large we were able to do that. In general, we tried to stay within the existing sidewalk. We talked a little bit last week about driveway aprons. Part of the final engineering will be determining which aprons we can but up to and which ones we might have to replace. There are a number of gravel driveways along there that we would be building the path across. The route through the Lustri property to get to Avon Isle has not been

determined. Once the property has come to the ownership of the Metroparks, provided we are given the go-ahead to proceed this evening, one of the things that we would do would be an environmental study of that property to see where any wetland areas are, etc. and then chart a path through there that would be least impactful from a regulatory perspective but also least impactful to any large trees or particularly picturesque areas, etc. and keeping buffers to the properties that may but up to that. That ground will be chosen with all of those things in mind in order to get to the Avon Isle.

Mayor Jensen thanked Mr. Cummins and stated that he thought that we all know how we got to this point. He said that, going back to the Metroparks, just so people are aware, we are constantly working with the Metroparks. There is another piece of property over off from Jaycox Road that the Metroparks will obtain that is going to be another one million dollars worth of property that the Metroparks will control that will save from more development in the City of Avon. Some people have asked why the Metroparks did not do their fair share. They have done more than their fair share in terms of trying to help the City of Avon. Most of us know that the City of Avon is a community that is doing well, that manages their money well putting that together and as we move forward it is going to cost money to put in these amenities. Just so no one has any false sense of where the money is coming from, there will not be a tax increase in order to put this trail together. If Council so chooses to continue to move forward to put this path in, we will find ways to finance that other than raising anybody's taxes. He said he thought that it was important as the community grows that we give back to the community in terms of amenities that make life better. He knows that there are a lot of people who jog and ride their bikes and if we can find safe passages up through here that are practical and are cost-effective, he thought that is what the idea is for the City. He said that as Mayor, he was the administrative part of it, Council legislates it, and if they decide they want to move forward, we will continue to support that and put that trail in and he thought that it was going to be a positive for the community. When we did the survey, 96% of the people wanted this to move forward. Some people may say that the number of people that were part of that was not enough people to decide that but he can tell you, from the pool, when we did that study, that was probably the number one thing and he did not think it was much higher than 97%. He stated that the pool has been used approximately 80,000 times to date. This is our first step with the trail and if Council decides we are not going to move forward with the first step, he thought we have to go back to the residents and then they have to make the decision of whether they support Council's decision. The Mayor said that he would follow whatever Council decides to do.

Mr. McBride clarified that there were a number of mis-statements last week. Just because a 10 ft. wide asphalt path is put in on French Creek Road does not mean there is going to be a 10 ft. wide asphalt path retroactively installed into standard sub-divisions. For planning purposes, new subdivisions going forward may have a 10 ft. wide section on one side of the street with a standard sidewalk on the other but we are not going to go and tear out sidewalks in sub-divisions. Whoever walked down Harvest Drive knocking on doors and telling people that they were going to get a 10 ft. wide path down the street, that is incorrect. That is not going to happen. It might it go down Harvest to the driveway to the Library but most likely it is going to go north along S.R. 611, on the east side and connect into Northgate Park. So this idea that we are going to have a 10 ft. wide asphalt path in every sub-division on every street, is just crazy talk.

Mary Berges, 35985 Ithaca Drive, stated that she was on the Parks and Recreation Commission and in 2008, that Commission made the survey of the residents and the top five community priorities were playgrounds, walking trails, running/biking trails, baseball fields, and an outdoor pool. So this has a long history of residents asking for biking trails and walking trails. There were Public Hearings in 2019 about this French Creek Greenway and it was not just the City. The schools were also involved in the

discussion. There were surveys that were conducted so this has been building up for several years with ample opportunity for input. On November 20, 2019, the Avon/Sheffield bicycle/pedestrian Master Plan and Avon Schools' Safe Routes to Schools Plan, was presented to Council by Ryan Smalley and his group, Envision, which was mentioned. Ms. Berges said that she was at the meeting and she did not recall the level of scrutiny that has been happening the last few weeks. She said that she wished it had been presented back then. She was not saying that it is too late but she just does not understand why that did not happen when there were all these opportunities to delve into this plan .

Ms. Berges said that the Mayor mentioned and it bears repeating, that on October 7, 2019, there was a Special Meeting of Council. The only thing on the agenda of that Special Meeting was to vote on the Resolution for this multi-path along French Creek Road. That is what the Resolution said: the path was along French Creek Road. This Council voted for it unanimously. There was no dissent. In a recent Council meeting it was stated that the majority of the City would not have access to this trail and that the only way that they would have access to it, would be to park illegally in a business or residential area. She does not understand that. First of all you can go to French Creek Reservation and park your car there and then walk or ride your bike. It is not much different than if you would go to Miller Nature Preserve, park your car there, and walk or bike the trails. There are also several residential streets off from French Creek Road, where people can legally park their cars. As far as the majority of residents not having access to that trail, she could point out several areas in Avon where the majority of residents do not have access to it, depending on where you live in Avon. The City is spread out; if you live on Mills Road, you are not going to be able to access some of the trails that we have. That is what we are trying to do here as the City, is to have more of those trails accessible to more of the City, not just pockets of it. It was stated by one of the residents that there are currently approximately 19 miles out of over 21 miles of multi-use paths in residential areas and that has been brought up before, too, that this does not make sense. Why would we do this in a residential area? But that is where the paths are; that is where people live. And these paths are not only for bicyclists; they are for people that jog, walk, for parents and grandparents to push their kids in strollers. We know that it is much safer to be on a path or a sidewalk than to be in the road. And it gives people room so that they can pass each other or walk side-by-side. That is what we want – for people to have the opportunity to be outside and enjoy the streets of Avon.

Ms. Berges stated that she would also mention that there is a safety hazard with sidewalks in that they can be uneven so that people might trip and fall, so they are not the safest things in the world if we are talking about safety. They also have their issues. It was also mentioned awhile back at one of the Council meetings, that if the question on our survey had been, “do you want a 10 ft. trail in your front yard or a trail through nature?”, that most people would have said, no, that they did not want a trail in front of their yard, but is that the basis for the decisions that we make because she was sure when the Metroparks puts that trail through Riegelsberger Road and Jaycox Road, it will affect some property owners and they are going to be here in front of this body, telling you they do not want that trail in their front yard or their back yard with lots of reasons why they do not want it. So if we are talking about setting precedence, we need to be careful that whatever the decision is, it is based on facts and reality and what is best for the City.

Colin McKibben, 39246 French Creek Road, stated that he had some images that he would like to be projected as he spoke. Mr. McKibben said that he and his wife moved to Avon in September of 2019, and as a latecomer, he was giving his thoughts now on the trail. He has been closely following for the past year the plan to install the pedestrian/bike path in the City, which is something that his family and many other families in Avon, want. After attending several Council meetings and reviewing the plan for the proposed French Creek Greenway, he questions if this is the bike trail that we have been asking for.

The bike trails that he wants are esthetic, safe, and respectful to homeowners' environments. He said that he loves to bike and has had the pleasure of experiencing some of the best bike paths that the Cleveland area has to offer, such as those in the Rocky River Reservation and the Towpath Trail. These trails are the very definition of greenway, offering long, uninterrupted stretches of a path that snakes through greenwoods and breathtaking water ways. For him, the beauty of a bike path lies in the journey, not the destination. Contrast this image with that of the proposed path along French Creek Road which has a long stretch of front yards, driveways, and the noise of cars passing. This proposal is not a journey; it is a means to an end. It is another road to connect Avon Isle to the French Creek Reservation.

Mr. McKibben said that another key aspect to bike trails is the safety they afford for recreational activity. His motorcycle safety instructor taught him that the most dangerous situation a motorcycle can be in is not on high-speed highways, or country roads, but at intersections. The National Highway Traffic Safety Administration funded a study that found that nearly 40% of all traffic accidents in U.S. occur at intersections. While trails throughout the City will eventually need to intersect with roads in order to connect our parks, these intersections should be a last resort. A path along French Creek Road will have five intersections with developments and dozens of driveways every 100 ft. For trail users and homeowners, we need to dedicate extra attention to avoid accidents. Sections of this trail will be within a few feet of the road, offering little buffering against oncoming traffic. Mr. McKibben then showed images of two key intersections along the Towpath Trail. In the first image, it could be seen how the trail engineers routed the trail underneath two busy intersections down in the Steelyard Commons. In the second image, you could see two bridges that were constructed to route the trail traffic over two busy intersections in Valleyview. The developers of the Towpath Trail took the extra time and money to build an experience that is memorable and safe.

Mr. McKibben stated that, as a taxpayer who is raising a family in Avon, he was willing to put his tax money towards trails that offer the same devotion to safety and a legacy that he would be proud to leave his children. He said that he would be remiss in opposing this trail if he did not offer an alternative. He studied the NOACA report for bike paths in Lorain County and saw an opportunity to build a trail that exceeds the experience of the current proposal. The image that he projected showed a pink trail line that is the current proposal for the French Creek Greenway. He said that he had drawn in green an alternate route that he thinks would be safer and more enjoyable. This route would have the trail turn north after exiting the Lustri Woods, and run adjacent to the French Creek until it reaches I-90. Then it would follow along the back side of developments under it reaches the railroad underpass. Such a trail would be worthy of the French Creek Greenway moniker since trail users will actually get to ride alongside the French Creek and experience something they otherwise would not see. This trail would provide easy access to residents further back of the developments who otherwise would have to ride south to French Creek Road while those closer to French Creek Road will have access to the sidewalks that will take them to the trail. The route he proposes will have fewer interruptions, more nature and better accessibility. The NOACA report indicates that conversations with the railroad will need to happen to get approval for such a route while the proposed path along French Creek Road requires no conversations as it is in the right-of-way. He said that he does not want his City leaders to take the easy path. He wants them to perceive the best options for the citizens of Avon. We did not take the easy path with our pool or our library or our future dog park. We should not take the easy path with our bike trails. This trail is the first of many that will be installed throughout the City. Every Ward contains a park that will eventually be connected by these trails. He sees plenty of opportunity in our City to route trails through natural areas that will make these connections to our parks. How we decide to build our first trail will set a precedent for how we build future trails. Let's do our City justice and create bike paths that we can be proud of.

Ken Kalina, 39191 Hawthorn Drive, stated that he has been a volunteer in the Cleveland Metroparks for 14 years. Regarding safety, in those 14 years that he has been volunteering, there was one accident and that was someone who tried to take a corner too fast. He said that the little kids do alright and the trail in the Cleveland Metroparks is not 10 ft. wide; he knows it is a little bit narrower than that. They have rollerbladers, bikers, runners, etc. and everybody makes their way through there. He said he really thought that we need a bike path somewhere in Avon. If it is through the woods, that would be great if we can do that. He said that he still rides his bike. He rides to the Avon Commons and to the French Creek Reservation although he does not like doing that because going down French Creek Road is not very fun. There are cars going by and it is not a real wide road. He noticed last year during the pandemic that there were a lot more kids riding bikes. It was even hard to buy a bike and it took him a year to get one for his grandkids. He said that he really likes the idea of attaching the trail to the library so kids can ride there and if we can connect all different parts of the City, that would be a great idea. He hopes that we can do it somehow and that the idea is not scrapped.

Craig Young, 39278 French Creek Road, said just so we are all clear, he did not think that there was anybody there that opposes the bike path. He thought that they were all for bike paths and for connectivity and sidewalks, all in their appropriate locations. Most of what he was going to say tonight has already been said but he had a couple of comments. As he has talked to people, they talked a lot about user experience. He spent over 30 years in the software world and user experience is a big thing as it is in many other sectors of the economy now. As he talked to one mother about where the trail would take her and her family through she kind of laughed and said when she got to the end of the path, she would send her husband back to get the car to come and get her. All we are asking is that we do not take the easy way out; we have an opportunity to reimagine this and provide something that would make Avon even more special than what it already is. We heard through many folks that they are willing to put their money where their mouth is for a good experience. And our thoughts were that there is an alternative that would provide a much better user experience for the residents. So we would ask Council tonight to say no. A “no” vote does not mean that you do not support bike paths. “No” just says that we do not support the plan in its current configuration.

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

The Clerk read Ordinance No. 67-21 by title only, entitled:

**AN ORDINANCE AMENDING SECTIONS 210.01(f)(1)(A), 1226.01, 1226.02, 1226.07 and 1262.08 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REQUIRING ZONING PERMITS FOR HOME OCCUPATIONS**

The Chairman declared this to be the third of three readings of Ordinance No. 67-21.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 67-21 as amended.

The discussion was: Mr. Gasior stated that he just wanted to point out the two amendments that they talked about at the Work Session: to require a renewal after three years and the effective date would be January 1, 2022.

Mr. McBride asked Mr. Gasior if he could inform the audience what this Ordinance does and does not do. Mr. Gasior explained that it is simply an Ordinance to require a permit to conduct a home occupation. It is not designed to interfere with anyone who has to work from home; it is not covering that. This is for someone who wants to do a home occupation such as a tailor who wants to do some work at home. The thing here is that we are going to require a permit and the reason for that is because we want to give people the rules and regulations on how to properly conduct that home occupation and that means primarily no outside help. It must be run by members of the family. We are trying to keep down problems that involve the delivery of mail where you have several cars parked in front of someone's house because they are operating a business at a relatively high level with many customers. We want to keep delivery trucks from going up and down residential streets. This legislation is simply designed to just require a permit so we know who is involved in a home occupation and can make sure that they follow the rules and make the residential areas stay residential as much as possible.

Mr. McBride stated that this will cover financial consultants that have somebody come over, usually one or two people at a time, pull into the driveway, go in and conduct business and then leave. This is not there to cover somebody running an accounting firm or a hair salon or an attorney running a law practice out of their home. Mr. Gasior added that if, for instance, you are an insurance agent and you can operate from within your home by yourself, you are fine. If you are an insurance agent but you have to have two secretaries or if you are an attorney and you have to have two or three paralegals and you have to hire from outside your family that lives in that household, then home occupation cannot be conducted in a residential area. You need to find commercial space somewhere else in the City. So, again, if you are small and you just want to do tax preparation for folks and you are doing it by yourself and people are coming by at tax season and you may have four or five people show up over the course of the day, there is no problem with that. If you are a seamstress and you want to hem pants, etc. it usually is not a problem. You are there by yourself conducting your business with no outside help. That is what the home occupation law is all about. Once you get bigger and go beyond that and you have to go outside for your help or you have to expand the footprint of your business to a greater percentage area of the home, then we need to know about that because we need to let you know that you are beginning to infringe on the rights of people who want to live in a residential district and do not want all the traffic and aggravation that could come with running a business.

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.

**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**

The Clerk read Ordinance No. 78-21 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE POSITION OF FULL-TIME, UNCLASSIFIED ZONING ENFORCEMENT OFFICER 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. 78-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 78-21, 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.

**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**

The Clerk read Ordinance No. 79-21 by title only, entitled:

**AN ORDINANCE TO ESTABLISH A RANGE OF COMPENSATION FOR THE POSITION OF PART-TIME, UNCLASSIFIED ZONING ENFORCEMENT OFFICER 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. 79-21, 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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 79-21, 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.

**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**

The Clerk read Ordinance No. 80-21 by title only, entitled:

**AN ORDINANCE 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 AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Ordinance No. 80-21.



The discussion was: Mrs. Holtzmeier stated she had a question of order. She asked if the Chair could please state the reason for the emergency.

Mr. Fischer stated that it was his choice to suspend the rules. Mrs. Holtzmeier said, so it is the Chair's choice to create this as an emergency? Mr. Fischer responded that it was his choice to make a motion to suspend the rules, yes. Mrs. Holtzmeier stated that Mr. Fischer also had a choice to have it go to a second reading as well. She said that she was just clarifying the reason for the emergency. Mr. Fischer stated that Council can make that decision. Mrs. Holtzmeier said, yes, you can and she thanked Mr. Fischer for the clarification.

The vote was: Mrs. Holtzmeier, "no"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes".

The vote was 6 for and 1 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 80-21.

The discussion was: Mr. Butkowski stated that he appreciated everybody's input tonight. Just for clarity regarding his perspective, he is not opposed to trails. He believes that we do need trails in the City and we do need to improve connectivity within the City. That is why 87% of Ward 1 has sidewalks, the most in the entire City. What he has some issues with is the cost and the cost breakdown. Let's break down the numbers. The estimated cost for this particular trail is \$1.1 million dollars. We got a grant from NOACA for \$250,000 and we appreciate that grant. We are being asked tonight to come up with the remaining almost \$900,000 for a trail that does not fit the Code we have established within the City. For example, Norton Place Subdivision was put in a few years ago on Jaycox Road. When Norton Place was put in, there was an asphalt trail approximately 6 ft. wide put in over there. At that time, we had issues in regard to whether or not we wanted to have asphalt trails put in for sidewalks throughout the City and at that time, this body had many discussions concerning that. We determined that we wanted to end that with Norton Place and mandate that people put in sidewalks. We changed the width for sidewalks from 4 ft. to 5 ft. At that time, there was no discussion about people running into each other on a 5 ft. path; 5 ft. was good enough.

Mr. Butkowski said that this proposal is asking the City to come up with 80% of that cost and we heard Mr. Ziemnik talk about the residents of Sheffield paying nothing for that trail over there but the Metroparks and NOACA are picking up the tab on that. Mr. Butkowski said that he also worries when we talk about precedent with regard to this. We have heard a lot about safety and those concerns are real. Precedent is also a real component with regard to this. This trail is not ending at French Creek if it gets passed. We have talked about extending it to Harvest Drive. We have 80 acres of Metroparks land in the center of the City that nobody in this room can access. Those trails are getting over there eventually. And how are they getting there? Through other people's front yards, developments, whether it is an arterial street or not an arterial street; we have already had a proposal for a Phase 2 going down a non-arterial street at Harvest Drive. His worry is this will then continue to grow. We need accessibility and we need connectivity but he does not believe this is the right way to do it. His compromise has been stated that we can take a 10 ft. trail through nature where it is intended to be just like it is being done in the Cleveland Metroparks, but when it comes back out into a residential area, to put in a 5 ft. sidewalk. That transition can be done. It will not impact the way things are being done throughout the rest of the City and it fits within our Code that we have all established. For those

reasons, he is opposing this particular Ordinance tonight and he would ask his other Council members to take that into consideration when they make their determination on this vote.

Mayor Jensen said to Mr. Butkowski, just for clarification, there is an earmark through Congressman Gibbs' office that is for another \$595,000 so there would be a total grant funding of almost \$850,000 of the \$1.1 million dollars. The Mayor said he was not trying to change Mr. Butkowski's vote in any way but he just want to make sure of that clarification that there is more money there. And we will continue to look for more money. Mr. Butkowski responded that that money is also tied with the federal \$3.5 trillion dollar program that has not been passed through Congress yet so we do not have that money yet and today we are being asked to come up with almost \$900,000 with the potential that Mr. Gibbs could get us that funding. Mayor Jensen said, no, we are not asking for it today because the project would not start until 2023 and again, he did not want Mr. Butkowski to use a funding issue as opposition because we heard residents even say that they want this and are willing to pay for it. They do not want to see it in their front yards but they are still for the trail. Mr. Butkowski should let the residents know he is either for it or against it but not about the money because that is not what we are discussing tonight. We are discussing if the trail should go in this location and if not, he understands that, but the residents want a path. They want this to move forward and they want something. When Mr. Butkowski is saying he is against funding so he is against this, and that is not what we should be arguing here. We should be arguing how do we make what the residents want move forward and find funding for it. That has been the Mayor's point all along. He has heard people say that they want the path, they just do not want it in their front yard. Mr. Ziemnik can tell you that as we bought property, that every piece of property we have gotten, people have said they do not want the path in their back yard. So you are going to have this battle of someone coming forward saying they do not want it, wherever you want to put it. The Mayor said that he was willing to do whatever Council or the residents want to vote for in terms of funding, but do not use funding as your thing, use what you want to see or not want to see and the reason that you do not want to see it because you do not think it belongs there. He is fine with that. But do not use the funding because the City of Avon is community that is growing and this is what people ask for and we will find the funding somehow to keep moving it forward. If the people want to see bike trails, he thinks it is imperative that we move something forward and get residents the trails that they want to see and move those forward whichever way we can. We will continue to fight for funding; it might be more difficult if this gets voted down but he will do what residents want and not use money as a crutch, because we cannot use that. The residents deserve something that they are proud of. We need to move forward with something and funding is not a good example to use to say we cannot do that.

Mr. Butkowski stated that if he was not thinking of funding, being the Chairman of the Finance Committee, then he was not doing his job. If we are not taking the overall project into consideration, we are not doing our job of looking at the due diligence of where this money will come from. We can always say we can always get the money. The reality is what we have today is what we have and that has to be taken into consideration when we make any decisions just like we do with road projects. We always ask where we are getting the funding. What we have today is \$250,000 from NOACA and that is it. Mayor Jensen asked, so you are not voting for this because we are not going to find funding for it? Mr. Butkowski answered, that is one of many points that he made tonight.

Mr. McBride stated that he had mixed emotions. Is this the best way to do it? Probably not, but we have to start someplace and saying that, there is a big difference between Detroit Road, French Creek Road, and going down a street like Harvest Drive or his street of Lake Point with a 10 ft. wide asphalt path. We would not do that in an existing subdivision. He said that going back years, we had proposed

putting asphalt trails in subdivisions. But the developers came back to us and said they would put in a wider path on one side but they did not want to put in asphalt; they wanted to put in concrete. We discussed using concrete with the City Engineer and he believed that federal money would not have been provided for concrete multi-purpose trails. But we have to start somewhere and yes, French Creek Road is busy, but if this does not pass, everyone is going to have to put in sidewalks on both sides of that street. Everyone says they are good with that, but he cannot tell you when sidewalks are required, how many people come back and say that, financially, they could not do it that year or the next, so these sidewalks would end up on the tax duplicate of a lot of people. This is a way to install something basically at no cost to the homeowners. Whether it is a 10 ft. wide multi-purpose trail, or whether it is a 5 ft. wide sidewalk, you still have to cross that many driveways, you still have to cross that many intersections. Children are still going to ride their bikes on an available sidewalk. Again, French Creek Road is a main street for all practical purposes; we have to do something there.

Mrs. Holtzmeier stated that they are a working body of seven. She knows that this side of the room has had a lot to say tonight and she would really like to hear from her colleagues also as to their thoughts on this.

Tony Moore stated that as Mr. McBride said, we need to start somewhere. He noted that he will be in a similar situation with his house as the trail system might be in his back yard. The voters overwhelmingly want this and he cannot ignore that. He understands that we are not going to be able please everyone all the time but this is what every resident that he has talked to or received emails from in his Ward supports and has said, yes, they would like to see this. Again, it is never going to be perfect for everyone but with the studies and all the information that we looked into on both sides, he cannot disagree with moving forward with it.

Mr. Witherspoon stated that his grandkids live on Deerfield Drive, which is just off from French Creek and those kids are landlocked. They would love to ride their bikes to other parks, etc. of the City but we will not allow them to ride on French Creek Road. It is a dangerous, dangerous road and Mr. Witherspoon would rather see safety over there with a bike path. Besides his grandchildren, there are a lot of other kids in that neighborhood and their safety is a concern of his. So from that standpoint, he is for the path. Mr. Young said that it is their concern as well and they do agree with the bike path, they just think it should be in a different location. Mr. Witherspoon stated that he has been on Council for quite some time and there has not been one thing that has come before Council that we have not had to argue with people because they do not want it in their back yard, they do not want it in their front yard, they do not want to see it. If we took that stance this City would go nowhere. We would not have what we have today. So he understands that they do not want it in their front yards or back yards but we have to move forward with the City. It is something that happens every time somebody plans something and comes to Council. We go through this argument every time. It gets to the point where you just do not want it in your back yard. Again, he understands their position, the City is not taking their property. We are putting the path in the right-of-way.

Mr. Radcliffe said that there are plenty of larger cities around us that are landlocked without the green spaces and without the connectivity that we are trying to move forward with. He sees this as a first step in improving French Creek Road in general, and getting people out walking and riding and being able to go from one area of the City to another. He believes that the Administration will continue to seek additional funding, as the Mayor mentioned. We asked for a grant of \$400,000 for this project and received approximately 2/3 of that request. That is a wonderful starting point and we have heard that residents are willing to put their money towards the trail in tax dollars. What we have done so far and

the time that has gone into this so far, and the potential for the path and benefits for the residents, this is a great first step.

Mr. McBride said that he had one final comment. When you are elected to Council, you sometimes get the dubious distinction of making decisions that are in the best interest of the City and not necessarily in the best interests of being re-elected. When he was first elected, Avon did not have an emergency room and we desperately needed something. He backed an emergency room in what is now UH (it was EMH back then) with a heli-pad. He organized a meeting with EMH – the President, Chief Medical Officer, the Director of Facilities, and the head of Life-Flight out of Metro. 99% of the people in his subdivision did not want that emergency room. They did not want the helicopters, they did not want anything, but in the end he voted for it because we needed an emergency room. But that is just one decision and he will take another one, which was the tennis dome at Avon Oaks Country Club. We had residents in there saying it was going to destroy their land values, going to create all kinds of issues and it has not. They created a huge uproar and those three or four families moved and as far as he knows, there are no issues in Willow Creek with that tennis dome. And he voted for that because it was the right decision for Avon; either assist the Country Club or let them sell out to a developer and end up with another 300 or 500-home subdivision which would further stress Avon. So you are elected to Council, you do what you have to do and vote the greater good of the City.

Mrs. Holtzmeier stated that this was Mr. Fischer's emergency and she would really be interested in hearing his view on this.

Mr. Fischer said that the biggest issue that was holding him up was the size of the trail, the 10 ft. width, because in his head, 10 ft. seemed like another road. And the second question was would he want the trail in his front yard? So his plan for this weekend was to go and see a trail that was established. It just so happened that he was picking up his daughter in Elyria at a trampoline place and he drove by the Black River Reservation. They had a bike path that came out and went by some houses and he said, why can't we get that? It looked like it was 6 or 8 ft. at the most. So he called Mr. Cummins the next day and asked him if he was aware of this bike trail that comes out of the Black River Reservation and asked what size it was, and was it an option for us. Mr. Cummins said he had a tool in his computer where he could Google it and take the measurements and call me back. So a few minutes later he called him back and said he was getting a reading of almost 11 ft. Mr. Fischer said he thought Mr. Cummins must be mistaken and so Mr. Cummins offered to go and measure it in person and Mr. Fischer said, no, he would go himself because he would also like to talk to the resident who lived there. So Mr. Fischer drove out there on Ford Road, spoke to the resident and told him why he was there and asked him if the bike path was there before he bought his house and he said, yes, it was already in there when he bought the house. Mr. Fischer asked him if that gave him any reservations about buying the house and he said, no, they actually liked the bike path. Mr. Fischer asked if he had concerns about backing out of his driveway and the resident said, no, he just took extra care to make sure that nobody is coming but he does that everywhere. Mr. Fischer asked if he would mind if he measured the path and the resident said that he did not. So Mr. Fischer measured it and it was 10 ft. 7 inches and where the concrete met the asphalt, it was seamless. The other resident that he went to was not home at the time. So the resident that he talked to had no reservations about buying his house, he loved the bike path, it was beautiful. And when Mr. Fischer got home and saw his teeny 4 ft. sidewalks, he was wishing that he had the path. So given the overwhelming response from the community that that is what they want, he is supporting it.

Mrs. Holtzmeier said that she wanted to make clear - are there two houses on Ford Road or three? Mr. Fischer said there are three. He then asked Mr. Ziemnik how old that path was because it was in perfect condition and Mr. Ziemnik said it was 6 or 7 years old.

Mrs. Holtzmeier stated that she had asked everyone to weigh in but she still had some questions. She asked Mr. Cummins what the date was on the drawings that he showed them of the individual properties. Mr. Cummins said they were prepared earlier this year and thought they were finalized in May. Mrs. Holtzmeier said she saw the date as being February 16<sup>th</sup>. We all saw that engineering actually in July. Council passed to go ahead with Phase 1 the middle of September, 2020, so that is reasonable to have that engineering done by February. Mr. Cummins stated that when they started looking into it, they saw that they were going to have to do the detailed horizontal survey and topographic survey so that, knowing the type of scrutiny that this was proposal was staring to gather, they would have some very solid idea of where the path would go as best they could without doing the formal engineering, and be able to answer some of those questions and see where it would be best to fit. Mrs. Holtzmeier added, to answer the questions of whether it should be the north side or the south side or was it even appropriate and where is the center of the street. That is why we spent the money, about \$50,000. Mr. Cummins said, yes. Mrs. Holtzmeier stated that we have never had those results presented to us. They were done in February and it is just last Friday that we saw them. Mr. Cummins said that it was his understanding that there was a public meeting that was held and those exact sheets were the subject of that meeting. He thought it might have been put together by a resident but he thought it was pretty well attended, maybe by some Council members and he believed that Mayor Jensen was there and so the information has been out there for awhile and been subject to discussion. Mrs. Holtzmeier asked, so this public meeting was not a government meeting? Mr. Cummins said that was correct; he thought it was a resident who orchestrated the meeting. Mrs. Holtzmeier said, so it was a private meeting at a public location. Mr. Cummins said he believed that it was. Mrs. Holtzmeier said that she can tell him that we did not have a governmental meeting to look over the results of that engineering. She appreciated him getting us the map last Friday of where this is located on French Creek – last Friday on a map dated February 16<sup>th</sup>. Personally, why she does not think it is an emergency tonight is that we spent \$50,000 and she would really like to see his work product he's or whomever he hired to have this study done. She is really interested in the reasons why it is north vs. south, why the appropriateness is there, what did he learn that caused this plan to shift?

Mr. Cummins said, as he stated last week, what we learned is that there is much more available right-of-way on the north side than there is on the south side and that also, if you come along the north, especially with the availability coming in of the Lustri property, having it on the north means that you do not have to have all the path users have to cross at an intersection. Mrs. Holtzmeier asked if there was a report that specifies this and Mr. Cummins said, yes, they do have a summary. Mrs. Holtzmeier asked if, before they leave tonight, Mr. Cummins could please share that publically with Council so that is a document that they can have access to? Mr. Cummins said he was certain that he could forward that to them. Mrs. Holtzmeier said, having not seen that document, that is part of why she does not think it is an emergency tonight. She thought that Council needs to do its due diligence.... Mr. Cummins said part of what brought this on is the second piece was the idea of applying for the second Phase and if we are not going to do the first Phase, then there is really not a point to apply for the second Phase. So that brought the matter to a head and brought both of those pieces of legislation being on the agenda at last week's Work Session. Mrs. Holtzmeier said she thought she heard a whole consensus there on the dais that trails are a good thing, she does not hear anyone saying they do not want trails in Avon. She thought that there was agreement on that. Where we may disagree is where the appropriateness is. For her, looking at that work document, hopefully more than a summary page of

something that was completed in February, would be helpful; it is a part of due diligence and like it or not, that is our charge. Mr. Cummins stated as he said, believed that the work was completed a couple months after that, but he believed that they started putting that together in February and that he probably should have changed the date. Mrs. Holtzmeier said but this is October; there were plenty of weeks and plenty of public meetings to share that. She said that the fact that that work was done earlier this year and that it is coming up now, she knows that she has heard the word “election” a few times thrown around here and she is not thrilled that that is perhaps being weaponized. Why didn’t this come up in June, July, or August? She does not know.

Mayor Jensen stated just to respond to Mrs. Holtzmeier for a minute. The reason this came back again was because he wanted to make sure that this Council was solidifying in what they wanted to do. Ordinance No. 74-20 to authorize the development of the engineering plans for the French Creek Greenway was passed on September 14, 2020. So he did not really need to come back to move this forward but he wanted to make sure that everybody was still on the same page that this is what they ultimately wanted to do before spending more taxpayer dollars, even though Ordinance 74-20 had passed. So that is why it is before them today, to make sure that the majority of people are still on board to move forward with this. He said again that Council passed Ordinance No. 74-20 and if they are claiming that they did not know of developing the engineering plans, they did know, they passed the Ordinance. He said that he will continue to look at different things and tomorrow he and Mr. Cummins will get together and discuss some of the things that were mentioned in this meeting tonight.

Mrs. Holtzmeier stated that she did read Ordinance No. 74-20; Council reviewed it on July 13, August 10, and September 14 of 2020. She then referred to Mr. Ziemnik’s comments about his grant application and what is parallel in ours is the lack of specifics. You can be for something and its idea but the devil is in the details. And this plan right now does not include a map but he got the grant approved. Ours did not either; it did later. And the details of it is where the complications come in and that is our job to step up and look at this and say, we can be for trails but do we act quickly because we need to move forward or do we act purposefully because we need to move right? There is a big difference. She said that she appreciated the Chair’s latitude in having talked through this because it is important.

Mrs. Holtzmeier noted that the Mayor had mentioned an earmark through Rep. Gibbs and that he mentioned a dollar amount and that is some new information. She asked the Mayor if he could forward that to them so they have it and tell them the House Bill that is attached to it. Mr. Cummins stated that it is a Surface Transportation Reauthorization Act and it was proposed through Congressman Gibbs’ office. It did make it through the House of Representatives side and it now sits before the Senate with the earmark of roughly \$595,000 for this particular path. It is not approved yet and as he said last week, it is anyone’s guess as to when and if that will move forward but we did search for this additional funding. We do not have it in hand yet but we have gotten through a couple hurdles of getting it being accepted by Rep. Gibbs himself and then we got it through the House of Representatives. Mrs. Holtzmeier asked if Mr. Cummins could tell her the House Bill number and Mr. Cummins said he did not know that off the top of his head. Mrs. Holtzmeier said that she appreciated the background to it.

Mr. Witherspoon asked Ms. Brooks, the Clerk of Council, what the protocol was for calling the question on this item and Ms. Brooks said that she believed that the question can be called, as there has been debate. Mr. Witherspoon asked how they go about that and Ms. Brooks responded that Mr. Gasior could probably clarify that but she believed that they could just call the question. Mr. Gasior added

that the Chair can call the question, effectively ending the debate. There is a motion on the floor with a second.

Mr. Fischer then said he would call the question and asked the Clerk to call the roll.

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

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

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

The Clerk read Resolution No. R-27-21 by title only, entitled:

**A RESOLUTION IN SUPPORT 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 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-27-21, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “no”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 against and the Chairman declared the motion passed.

The discussion was: Mr. McBride stated that he just wanted to clarify that this is going to the intersection of Colorado Avenue and Harvest Drive, not going down Harvest Drive. Mr. Cummins said that he thought it might be appropriate to make a motion to change the Ordinance to that effect.

A motion was made by Mr. McBride and seconded by Mr. Moore to amend Resolution No. R-27-21 by removing Harvest Drive from the scope of the project, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “no”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-27-21 as amended, 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.

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

The Clerk read Resolution No. R-28-21 by title only, entitled:

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR 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-28-21, 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 Resolution No. R-28-21, 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.

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

The Clerk read Resolution No. R-29-21 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR IMPROVEMENTS TO THE MILLER ROAD WATER DISTRIBUTION BOOSTER PUMP STATION 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-29-21, 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 Resolution No. R-29-21, 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.

THE MAYOR’S APPOINTMENT OF RICHARD VARGA TO THE AVON TREE COMMISSION AS CERTIFIED ARBORIST

Per Section 2 of Ordinance No. 70-21 the Mayor appointed Richard Varga, Certified Arborist, as a non voting member of the Avon Tree Commission and said appointment shall have no specific expiration date.



MAYOR'S APPOINTMENT OF MATT SMITH TO THE AVON TREE COMMISSION TO SERVE AS THE MAYOR'S DESIGNEE

Per Section 2 of Ordinance No. 70-21 the Mayor appointed Matt Smith as the Mayor's Designee, as a voting member of the Avon Tree Commission and said appointment shall have no specific expiration date.

COUNCIL PRESIDENT'S APPOINTMENT OF ANTHONY MOORE AS COUNCIL'S DESIGNEE TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Council President appointed Anthony Moore, Council Member, as a voting member of the Avon Tree Commission and said appointment shall have no specific expiration date.

MAYOR'S APPOINTMENT OF JOHN TRAXLER TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Mayor appointed John Traxler as a voting member of the Avon Tree Commission for the term expiring December 31, 2022.

MAYOR'S APPOINTMENT OF MARY BERGES TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Mayor appointed Mary Berges as a voting member of the Avon Tree Commission for the term expiring December 31, 2023.

MAYOR'S APPOINTMENT OF GREG MATEYKA TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Mayor appointed Greg Mateyka, as a voting member of the Avon Tree Commission for the term expiring December 31, 2024.

MAYOR'S APPOINTMENT OF SHANNON LAURENZI TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Mayor appointed Shannon Laurenzi, as a voting member of the Avon Tree Commission for the term expiring December 31, 2025.

MAYOR'S APPOINTMENT OF JOHN SCHWARTZ TO THE AVON TREE COMMISSION

Per Section 2 of Ordinance No. 70-21, the Mayor appointed John Schwartz, as a voting member of the Avon Tree Commission for the term expiring December 31, 2026.

REPORTS AND COMMENTS

MAYOR JENSEN thanked the newly appointed members of the Tree Commission for accepting those positions and the City is looking forward to becoming a Tree City USA and this is the next step in that process.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1, had no further comments.

MRS. HOLTZMEIER, AT LARGE, had no further comments.

MR. MCBRIDE, WARD 2, stated he sees there are several people in the audience who are running for a seat on City Council as well as the current Members of Council who are seeking re-election that there are a number of candidates out there who have their signs in the public right of way. He said they need to be moved or the City will remove them. Mr. McBride advised if their sign is between the

road and a telephone pole it needs to be moved as that is part of the public right of way. He stated it did not matter that the area is all overgrown and the homeowner placed it there, it needed to be moved.

MR. MOORE, WARD 3, thanked everyone who will be serving on the Tree Commission for donating their time.

MR. RADCLIFFE, WARD 4, asked Mrs. Holtzmeier to clarify the accusation she made earlier that night. He said he just wants to make sure he understood what she said. Mr. Radcliffe advised she said something along the lines of there being a delay by the Administration in paperwork in order to benefit those running for re-election. He said that is how he took her statement, and he would just like it clarified.

Mrs. Holtzmeier said no, and the beauty of a recording is that they can always play it back. She then stated she is happy to clarify her comments for him again. Mrs. Holtzmeier advised what she said was that it is interesting that we are right before an election and this topic of the trail has come up tonight and it seems that the timing feels like it may be a little weaponized and she said that was the word she used.

MR. WITHERSPOON, AT LARGE, had no further comments.

MR. FISCHER, AT LARGE, had no further comments.

#### DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no further comments.

MR. FARMER, SERVICE DIRECTOR, had no comments.

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

MR. GASIOR, LAW DIRECTOR, had no further comments.

MR. LOGAN, FINANCE DIRECTOR, had no further comments.

MR. STREATOR, SAFETY DIRECTOR, had no further comments.

#### AUDIENCE:

Colin McKibben feels there is a benefit to the rest of the Avon citizens if City Council could broadcast these sessions. He asked if any consideration has been given to broadcasting the meetings.

Mr. McBride responded to Mr. McKibben by saying there is enough pontificating and grandstanding and having experienced a horrendous term during his first term on Council years ago; the last thing he would want to do is broadcast the meetings. He felt there would just be politicking and even though this Council is non-partisan, there would be politics. Mr. McBride advised people grandstand, people like to hear themselves speak and if the meetings are broadcast on T.V. it would be terrible and added if they go to T.V. he would need a \$100,000 salary.

Mr. McKibben said he respectfully disagrees as he thinks it would be great for the accessibility of those who cannot physically attend for one reason or another.

Mrs. Holtzmeier advised to Mr. McKibben's point, there is already a camera installed at the back of the room that is attached to these speakers, so Council already has the ability to broadcast these sessions. It is 2021 and Council appropriated around \$40,000 for these fancy microphones and new speaker system as well as the ability for that camera among other components. She said that was all a part of the package that was approved to broadcast the meetings for residents. Mrs. Holtzmeier asked someone to explain why they do not have those cameras turned on.

Mr. McKibben asked if taxpayer money was spent on T.V. equipment and the City is not going to use it.

Mr. Logan advised no, the money was appropriated for an audio/video system. The video system is installed but he does not believe it is capable of working at the moment. He said the audio system is tremendously improved as it was very bad before this was installed. Mr. Logan stated the City did not waste taxpayer money as this audio system is worth every penny. He said he was not sure if the video system has ever been tried or attempted as that was up to Council.

Mr. McKibben said he is new to City politics and if he wanted to get a motion put forward to broadcast these sessions, he asked how he would do that. Would it be through his Ward representative? He stated he is in Ward 1.

Craig Young of French Creek Road thanked Council and said it has been a long night. He stated he completely understands Mr. McBride's concern considering the spot that he is in and he was sure that Mr. McBride could understand the spot that the residents are in as well. Mr. Young said if nothing else, they have created some lively Council Work Sessions and Regular Meetings. He thanked all the residents who participated in the local government process, and he said we probably need more of that and while that may make for longer meetings, he appreciates that. Mr. Young welcomed Mr. Ziemnik to the neighborhood and said he knocked on his door to talk about the bike path right after he moved in and he submitted a set of petitions from the residents that he would like to submit for the record. He said he understands all the meetings that were held before, but unfortunately, he is not quite sure how those were communicated clearly as some of the residents on French Creek Road were engaged in some of the sessions and he only read about it in the newspaper after that 2019 meeting. Mr. Young stated there were a lot of key stakeholders that did not know that and he would ask that they relook at how those things are communicated.

Jim Ziemnik of the Lorain County Metroparks advised as a matter of history as he knows a lot of people have brought up the Cleveland Metroparks and their trail system. He said the Metroparks is going through a process now with NOACA where they are doing an entire five county connect to all the Metroparks and one glaring thing showed up. There is Cleveland Metroparks, which was founded in 1917 and then there are the rest of us. He said they are sixty-five years old in Lorain County. Mr. Ziemnik stated he wished the forefathers had the vision 100 years ago to fund Metroparks so that land could have been preserved so that they would have more open space. Right now, as Lorain County Metroparks as well as Lake County and Medina County, are challenged by this because the Metroparks are hard pressed to find thousands of acres to acquire, claim etc. He said their challenge among all the Metroparks with NOACA is how do they get all the Metroparks connected when they do not have those thousands of acres like the Cleveland Metroparks. He said they are fighting hard to get connectivity and that is why these trail systems are going to become important because that is how they are going to connect our Metroparks. Mr. Ziemnik stated the phrase came up that we have to start somewhere and we are never going to connect to Cleveland Metroparks if we do not find ways to connect.

Joe Novak of 38151 French Creek Road said he would like the City of Avon to consider a greener path when they establish it.

Jennifer Demaline of 39345 Lorreto Court asked regarding Resolution No. R-27-21 on how that motion was amended. She said she was not clear as to what the amendment was.

The Clerk advised she believed they amended the Resolution to change the scope of the project and then Council voted to adopt the Resolution as amended. The Clerk deferred to Mr. Cummins for further explanation of the amendment.

Mr. Cummins said he believes that the amendment was to have the grant application to NOACA not include installing a path down Harvest Drive, but rather only getting from the Phase I path within the Lustris property to the intersection of Harvest Drive and Colorado Avenue.

Ms. Demaline thanked them for the clarification.

No further comments.

ADJOURN: 10:10 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. Radcliffe, "yes"; Mr. Moore, "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.