

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 25, 2016  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

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

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; 2<sup>nd</sup> Ward – Dennis McBride; 3<sup>rd</sup> Ward – Mary Berges; 4<sup>th</sup> Ward – Daniel Urban; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Law Director – John Gasior; Finance Director – William Logan; Service Director – Michael Farmer; Parks Director – Diane Corrao; Planning and Economic Development Coordinator - Pam Fechter; City Engineer – Ryan Cummins; Clerk of Council – Ellen Young

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 11, 2016**

A motion was made by Mrs. Holtzmeier and seconded by Mr. McBride to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, January 11, 2016, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

**MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, JANUARY 19, 2016**

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, January 19, 2016, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

**ORDINANCE NO. 131-15 – TO ENTER INTO A LICENSE AGREEMENT AND ACCEPT IMPROVEMENTS AT HEALTH CAMPUS BOULEVARD**

The Clerk read Ordinance No. 131-15 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS MADE BY JG AVON, LLC  
FOR THE CONSTRUCTION OF HEALTH CAMPUS BOULEVARD AS A  
PUBLIC ROAD, EAST OF NAGEL ROAD, OPPOSITE LEAR INDUSTRIAL  
PARKWAY BETWEEN CLEVELAND CLINIC BOULEVARD AND KREBS ROAD  
AND DECLARING AN EMERGENCY**

A motion was made by Mrs. Holtzmeier and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 131-15, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to adopt Ordinance No. 131-15, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

**ORDINANCE NO. 4-16 – TO AUTHORIZE THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH AVON LAKE FOR ENGINEERING SERVICES REGARDING  
RESURFACING OF S.R. 83**

The Clerk read Ordinance No. 4-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
A COOPERATIVE AGREEMENT WITH THE CITY OF AVON LAKE FOR THE  
RESURFACING OF STATE ROUE 83 FROM DETROIT ROAD TO LAKE ROAD  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 4-16, and the vote was: Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “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 Ms. Berges to adopt Ordinance No. 4-16, and the discussion was:

Mr. Gasior stated that they went over the agreement for this with Avon Lake and there were some changes. There was one paragraph on indemnification that was deleted which is not a problem; in fact that benefits everybody. And then there was a renumbering of some of the paragraphs. Mr. Gasior asked Mr. Cummins what the last change was and Mr. Cummins answered that it was in regard to hiring an appraiser which does not really apply to this as we are

working within an existing right of way. Mr. Gasior said he heard from Avon Lake today that they were good with the agreement.

Mayor Jensen said that he has received calls concerning the fact that the road work is being done on State Route 83 north of Detroit Road instead of the south side, as many people consider that is worse. He explained that Avon does not dictate what will be repaired when State money is being used. We are getting 80% from the State so it is one of those projects that you cannot refuse. The Mayor said he believes that 2019 is the soonest that State Route 83 south of Detroit Road is on the State's schedule but we are going back to ODOT to see if they will do it sooner.

The vote was: Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Witherspoon, "yes".

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

#### ORDINANCE NO. 5-16 – REAPPROPRIATIONS

The Clerk read Ordinance No. 5-16 by title only, entitled:

#### **AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS ORDINANCE NO. 150-16 AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 5-16, and the vote was: Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Mr. Witherspoon, "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 Mrs. Holtzmeier to adopt Ordinance No. 5-16, and the discussion was:

Mr. Fischer asked Mr. Logan about line items on the Reappropriations Exhibit that look like they are both going towards the Riegelsberger Road bridge project. Mr. Logan explained that the Capital Projects Fund 401 is transferring monies into the Riegelsberger Road Bridge Fund 438 and Fund 438 will spend that money, so it is two different transactions but we are only spending the money one time.

The vote was: Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Witherspoon, "yes".

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

ORDINANCE NO. 6-16 – TO AUTHORIZE THE MAYOR TO ENTER INTO A RIGHT OF WAY AGREEMENT WITH CROWN CASTLE/SURE SITE

The Clerk read Ordinance No. 6-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE  
A RIGHT OF WAY AND POLE USE AGREEMENT  
WITH CROWN CASTLE NG EAST LLC  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 6-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “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. Butkowski to adopt Ordinance No. 6-16, and the discussion was:

Mr. McBride stated that he was unable to attend the Planning Commission meeting and asked for a brief update on the status of this. Mr. Gasior explained that there had been negotiations with Sure Site. Mary Martin, with Sure Site, and Bill Hanna, who represented Avon in these negotiations were both present. The City was able to obtain four strands of dark fiber; that is one in and one out, so two complete circuits. This will be a big asset to the City. He said Avon waived \$500 per year for one pole and the 3% revenue sharing, which did not amount to a significant amount of money over the course of a year. The big benefit, according to Aaron Jenkins and Hal McDonald, Avon’s IT Technicians, was the four strands of dark fiber.

Attorney Hanna stated that he was not present at the Planning Commission meeting, but he was comfortable that the agreement covers the City with respect to indemnification, reimbursement of its costs, code compliance and the performance bond, to make sure that Crown Castle does comply through the course of this. Mr. Gasior added that Avon has aesthetic veto, so to speak, on subsequent installations within the City. Each has to go before Planning Commission who can insure aesthetically unobtrusive installations. He added that Mr. Hanna did a good job for Avon and he thinks this will be good for the city. Mr. McBride asked what codes would be covering this and Mr. Hanna pointed out the first sentence of Section 5 of the agreement, which says, “Crown will comply with all applicable federal, state and city codes, specs and requirements, if any, related to construction, installation, operation, maintenance and control of its equipment installed in the public way and on municipal facilities within the City...” He said coupled with the requirement to obtain Planning Commission’s approval with each installation, which involves the engineer’s review and approval... he believes it is a good agreement.

Mr. Gasior referred to the map Council received and pointed out that anything in red was underground and anything in blue was above-ground where the fiber optic cable lines are concerned. Also attached to the map were five sites where the poles will be located. Ms. Mary

Martin, with Sure Site Consulting on behalf of Crown Castle, located at 3659 Green Road, Beachwood, Ohio, stated that she did not have photos, but she did have drawings. With their initial installation, there are four wood poles and one traffic signal they are attaching to and there are many different photos of installations they can do. They try to match the aesthetic in the right-of-way. Mr. Gasior said he had seen a cylinder about 6-inches in circumference and about a foot high. It sits at the top of a pole and you would not see it, unless you were looking for it.

Mayor Jensen said Bill Fitch, a member of the Planning Commission, was supposed to have one on his property and the company worked with him. He is happy with the way it looks. The City is in a great position with the dark fiber for the police and safety forces. It will be very beneficial to the City.

Mr. Gasior said this contract still needs a little work. He asked Ms. Martin if she recalled their conversation about providing the City with a splice and Mr. Hanna was going to include that in the document, which would be recirculated for signatures. Ms. Martin said that should not be a problem. Ms. Martin showed a picture of a node on top of a pole.

Mr. Butkowski asked where else Sure Site had installations with these networks. Ms. Martin said there are eighteen other municipalities they are working with outside the City of Cleveland. In Cleveland, due to the dense population, there are well over one hundred that have been installed. The other suburbs had installations with two to five locations, including Avon Lake and Solon. That started in June of 2014, so this first round has been slow moving. This is carrier specific. Multiple carriers can be on one location. Ms. Fechter said Sure Site has worked diligently with the City and residents regarding locations. Mr. Cummins' company is still looking at the underground fiber, a couple of the poles have been approved and by the end of the week they should have everything wrapped up.

The vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mr. Witherspoon, "yes".

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

ORDINANCE NO. 8-16 – TO AMEND ORDINANCE NO. 126-15 AUTHORIZING GENERAL OBLIGATION (LIMITED TAX) BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$15,915,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES

The Clerk read Ordinance No. 8-16 by title only, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 126-15 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF AVON, OHIO, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$15,915,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES, AND DECLARING AN EMERGENCY**

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 8-16, and the vote was: Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “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. Butkowski to adopt Ordinance No. 8-16, and the discussion was:

Mr. Logan explained that last fall, Council authorized four Ordinances to do some advance refunding to reduce some debt issues from 2008 and 2009. Ordinance No. 8-16 and the next three items are looking to refund pieces of the 2008 and 2009 debt. The 2009 debt is composed mainly of the baseball stadium, the YMCA and the infrastructure that went in at the recreation complex at State Route 611. That makes up approximately \$21,000,000 of the proposed sale the City wants to do on Thursday, January 28, 2016, of about \$26,500,000. Advance refunding means the City will realize savings from lower interest rates right now; we cannot refund these bonds until they are out ten years. Refunding now allows the City to realize a savings over the maturity of these bonds that go out until about 2038. The estimated savings now amounts to about \$2,500,000. If this had been done in the fall, it would have been about \$1,000,000 to \$1,200,000, so they felt it would become more favorable as far as the rates.

Mr. Logan talked to Moody’s, the credit rating agency, and Avon still has a AA1 rating. There are only fourteen cities in the State of Ohio with AAA ratings and Avon is one of twenty-six communities with AA1 ratings in the State. This is not new debt, it is refunding old debt and the City will realize savings as early this year. Mr. McBride explained that there are other entities paying a portion of the taxable bond debt. He pointed out that Avon could only have a AAA rating by growing larger and Mr. Logan agreed, adding that we would also need to have less debt. Avon has a strong AA1 rating and that is where the City wants to stay right now.

Mr. Logan said the amendments were because the series was not sold in 2015, as the Ordinances in the fall stated.

The vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 9-16 – TO AMEND ORDINANCE NO. 127-15 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$835,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES

The Clerk read Ordinance No. 9-16 by title only, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 127-15 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF AVON, OHIO, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$835,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES, AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 9-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “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. Fischer to adopt Ordinance No. 9-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

**ORDINANCE NO. 10-16 – TO AMEND ORDINANCE NO. 128-15, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$7,870,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES**

The Clerk read Ordinance No. 10-16 by title only, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 128-15 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF AVON, OHIO, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$7,870,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES, AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 10-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “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 Ms. Berges to adopt Ordinance No. 10-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 11-16 – TO AMEND ORDINANCE NO. 129-15, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$4,670,000. TO ADVANCE REFUND CERTAIN BONDS FOR VARIOUS PURPOSES

The Clerk read Ordinance No. 11-16 by title only, entitled:

**AN ORDINANCE AMENDING ORDINANCE NO. 129-15 AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF AVON, OHIO, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$4,670,000. TO ADVANCE REFUND CERTAIN BONDS ISSUED FOR VARIOUS PURPOSES, AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 11-16, and the vote was: Mr. McBride, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “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 Ms. Berges to adopt Ordinance No. 11-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

REPORTS AND COMMENTS

Karen Kirsch, First Energy Representative, introduced herself and reminded Council that they have a resource in her if they have any questions or issues. She said she usually works with Mike Farmer or Pam Fechter when there are concerns. Mayor Jensen stated that the City has a good relationship with Ms. Kirsh, who is a valuable resource.

Mayor Jensen recalled that Council voted over a year ago to hire Matt Stuczynski to be Avon’s consultant regarding the type of thing Mr. Logan was explaining with the bonds. He said that Mr. Stuczynski’s value is reflected in the savings Avon is realizing now. While he was pleased with the rating the City received this year, Moody’s did caution Avon about noting further. Mr. Logan said the City paid down the water tower by \$1,000,000 last year and \$1,350,000 this year. The new note going forward is \$7,950,000 and Avon will pay that down next year by \$1,500,000. Mayor Jensen said there are a lot of positive things happening and next year the City will be rebuilding the surplus.

Ms. Berges acknowledged Bubba’s Q restaurant for being in the news for offering to take donations of water to Flint, Michigan residents. She congratulated Mr. Logan and the Mayor on the bond rating.

Mr. Butkowski said people look at managing growth as how many homes are built and what buildings are going up, but what gets overlooked is that Avon has to manage their financial growth as well. This bond discussion is an example of managing that financial growth. He gave kudos to the administration and everyone involved in that.

Mr. Fischer thanked Mr. Logan, stating that the bonds Ordinances were voted on prior to him being on Council and he thanked Mr. Logan for taking the time to contact him to explain this. He thanked Avon's Safety Forces and all of the City workers for the good job they do.

Mrs. Holtzmeier said she had been critical of adding Mr. Stuczynski as a component to Avon's bonding process and it is helpful to hear about some of the cost savings Mr. Stuczynski's advice has given us.

Mr. McBride congratulated the administration on the bond rating the City was given, which establishes Avon as a leader among the Ohio cities. It affords the City the opportunity to do projects that are cost effective. There is some criticism that Avon requires developers to install sewers and questions as to why the City not does that. The reason is because the City does not take on unnecessary debt from developers. The City is very judicious with financing projects from outside entities. Perhaps there is a group of homeowners who want the City to finance something that will make their property more valuable and there is a reason the Avon does not do that. The bond rating is one of the reasons; if we slip in the ratings, it makes other projects a lot more expensive to do.

Mr. Urban complimented Mr. McBride on his comments.

Mr. Logan thanked everyone for their comments and said it was Mayor Jensen and past Mayor Smith, who did a lot to position the City for the AA1 rating. He appreciated the comments on MAS Advisory Services, because we cannot do these kinds of deals without someone like that. He said that Mr. Stuczynski is at the forefront of municipal finance in the State of Ohio. He could not do these deals without him. Regarding Tax Increment Financing, the City got a report from the County, which showed that Avon was where he hoped it would be. Avon's values are up about \$25,000,000; the commercial entities that opened late in 2014/early 2015 are all on there as they should be. Based on that, the City should exceed revenue projection for 2016. The first month of income tax distribution was well ahead of where it was a year ago. It looks good to start building the reserves and paying down the debt where we can. He appreciated Mr. Butkowski mentioning the debt, because there are other pieces of debt serviced by third parties that people do not realize. It is not just our property taxes and income taxes servicing the debt; there is other third party revenue servicing a big chunk of the debt that is out there.

Ms. Corrao said the Recreation Department is running a basketball league and there was a situation that occurred during the past weekend. She referred to two emails sent to her regarding the situation, which entailed a man who collapsed and stopped breathing. CPR was performed by spectators until emergency crews arrived. One email stated the man, the author's step-father, was in University Hospital in CICU, but alive because of the members of the Avon community who helped. The varsity coach of the girls' basketball team gets involved with this league; her girls learn how to score keep and are referees. A resident with a daughter in the league sent an

email congratulating the efforts one high school student in particular who took all four teams into the weight room and distracted and occupied them until the ambulance left so the young children did not have to witness what was happening. Ms. Corrao gave the name of the student and said she felt it was important to recognize the community members, a police officer and this young high school girl for their efforts.

Mayor Jensen added that the police officer is Chris Barton and said that you will hear his name come up often when something positive happens. He added that the Lucas Machine, demonstrated by firefighters at a past Council meeting, was also used in the rescue squad. They said they lost the man in the squad and were able to revive him again. Assistant Fire Chief Emling said that before the Lucas machine, they could not have brought him back.

#### AUDIENCE:

Kathy Frombaugh, 111 Main Street, Rochester, Ohio introduced herself and explained that she is one of four Republicans running for State Representative to replace Terry Boose, who has termed out. Ms. Frombaugh gave a brief description of her qualifications and said she would be available to anyone who wanted to talk to her.

Larry Schram, Kenwyn Boulevard, read an email from Mayor Jensen, who wrote that he had been busy and there were many things needing attention at the end of the year, making his schedule very full. He did want to touch base regarding the Stealth Stat report the City did for their street. Mr. Schram read, "with the exception of a few incidences of speeding, there doesn't appear to be an excessive problem." Mr. Schram disagreed. Mayor Jensen's office provided him a summary sheet, but Mrs. Holtzmeier provided him with the full report. He said 4,652 cars went down his street in five days. That is an average of 930 cars per day; according to the eighty-fifth percentile of that report, 690 cars were traveling over 30 miles per hour. According to the company that makes the Stealth Stat machine, that is an average of every car, every fifteen minutes. He said at 9:15 the first day, there were five cars that came down the street and the average speed was 29.4 miles per hour, which translates to some cars going 35 miles per hour and some going the speed limit. He said if you spread this out over a week, this means that 977 cars were traveling over 30 miles per hour on his street.

Mr. Schram said Mr. Bukowski asked him to get video of what was going on in his neighborhood. On June 26<sup>th</sup>, at 4:00 he videotaped from the corner of Heron and Muirwood and in fifteen minutes, there were twenty-three cars that did not stop at the stop sign. On June 28<sup>th</sup>, at 4:30, he sat at the intersection of Heron and Quail Hollow and there were eleven no stops in ten minutes. At the intersection of Stoneway and Quail Hollow, on June 28<sup>th</sup> at 5:00, there were fifteen no stops in ten minutes. At the corner of Heron and Kenwyn Boulevard on June 5<sup>th</sup>, at 5:10 there were sixty-eight no stops in thirty minutes. He sees people tailgating drivers going the speed limit and passing school busses. What makes him most concerned is that the street is going to connect from French Creek to Detroit Road, which will increase the traffic and it cannot be controlled now. That is going to connect to Long Road and the Middle School. It will be a bigger cut through than they have now.

Mr. Schram said he was invited to come and address Council. There are increased patrols in the neighborhood, which is great, but the police are busy enough with what is going at the Commons all of the time and now the City is adding Menards, Cabelas and Meijers. He complimented the Police Department, but said they cannot sit in their cul-de-sac and take care of things. He wanted to know how to stop North Long Road from connecting through. Mr. Butkowski's response was that it had been on the City's Master Plan and that is the way it is, we need the infrastructure. Mr. Schram understands that, but why do we need another road that is going to go down the Mayor's residential street, his residential street and all the way through. Mr. Butkowski said Kenwyn was designed to move more cars, as a collector street. Mr. Schram said Stoneway, Heron and Muirwood were designed as collector streets and now you are sending more cars into residential neighborhoods; we do not need that to happen.

Mr. Schram suggested "speed cushions" and Mr. Butkowski responded to that suggestion with an email stating that cushions will slow down rescue response time and the City will not be able to plow the streets. He showed photos of streets with speed humps in Minneapolis-St. Paul, Minnesota and more photos from Toledo, Ohio, where there are over 1,600 of them. He said Mr. Butkowski told him there was not enough money to do that and yet the Press said the City received \$175,000. Mr. Logan explained that was a fund transfer to the General Fund sometime before Christmas. Mr. Schram said he can hardly pull out of his driveway and said he was there to find out what can be done about that and what they can do to get the proposed road off the map?

Mayor Jensen said he lives on the street and knows what is going to happen. Residents were putting signs up that said the street was not a cut through. They cannot do that. He speculated that, before French Creek Road connected, residents on that street felt the same way. The Mayor knows his street is going to be a cut through. He knows that and does not think moving there and trying to stop the cut through is fair. He said the Master Plan shows Kenwyn going through all the way to State Route 611 to alleviate some of the traffic on French Creek, but that will probably not happen because it will require the construction of a bridge. The City is growing, at full build out, there will be somewhere close to 40,000 people. Council and the City have to abide by the law too and they cannot stop people from building houses. Mr. Schram's neighborhood will have condos or apartments in the back, which will add more people. While people must obey the speed, the City is not trying to control traffic cutting through there. If they do that, cars have to go to Detroit Road and that creates an issue during school hours. There have been complaints by people who have gotten tickets in Stonebridge for making a right hand turn at the stop sign and didn't come to a complete stop when the intersection was empty. Any accident or loss of life is unacceptable. He agreed with Mr. Schram's statement that the police are busy everywhere, not so much Avon Commons and it is the reality of trying to get people to abide by the speed limits.

Mr. Schram asked how many tickets have been written and acted upon, not dismissed, in Mayor's Court. Mayor Jensen said the City does not dismiss tickets. Captain Fischbach said that he did not know how many tickets had been written there recently, but Mr. Butkowski did contact the Police Department and related some of the residents' concerns. For a four month period, starting on May 1<sup>st</sup> to September 1<sup>st</sup>, when the officers were not handling calls or writing reports, they concentrated on Stonebridge, Heron Drive and Kenwyn Boulevard in particular. In

those four months, there were only nineteen traffic stops. Out of those nineteen, they did five verbal warnings and six written warnings, which were for stop sign violations. They issued two correction orders, one for expired plates and the other for an expired operator's license. There were six citations; five for stop sign violations, one for expired plates and one for a speed violation. He did not know which went to Mayor's court. Mr. Butkowski said that when Mr. Schram initially contacted him, he contacted Captain Fischbach and there was a lot of discussion about how we manage this, which is when he asked Mr. Schram to get video and make sure to get plates on the film so the City could find where the people are from. The results were 90% of the violators were people who live in Stonebridge. Mr. Butkowski asked if they could bring the police to the HOA meetings; and asked what they could do to notify people who live there that they are the culprits causing these traffic problems. Mr. Schram said they do not really have their own HOA. Mr. Butkowski said he and Mr. Schram had a lot of discussions about this, he talked to Mr. Farmer, the Service Director, Captain Fischbach, Police Chief Bosley and Mayor Jensen; it has not fallen on deaf ears. They are open to suggestions beyond what has been discussed here this night.

Captain Fischbach said it is not just Stonebridge, complaints come from other developments too and they find that the violators are people who live in their neighborhoods. He said if they can open some kind of dialogue with their neighbors, stating that would go a long way. Mr. Butkowski said they have also had the trailer with the speed displayed, so people see how much faster they are traveling than the speed limit. Mr. Witherspoon asked Captain Fischbach if the violations were excessive speeds and the Captain replied that depends on the time of day, weather conditions, etc. Mr. Schram said everyone agrees that it is a problem, but he is not hearing a solution. He asked what we are going to do. Mr. Witherspoon felt as though the City may be able to control the violations, but controlling the number of cars going through would not be possible. Mr. Witherspoon said the City is not going to keep the road from going through.

Mr. McBride said you bought on a collector street, you are on a collector street. There are collector streets in Avon where the speed limits are set too low; they are usually higher on those streets. This is like people who bought in a flood zone, then when their house floods they want to know what the City is going to do about it. One of the residents in the audience said they were not notified their street was a collector street. Mr. Schram referred to another resident who had just purchased a home on North Long Road and was told by his realtor that there would be a cul-de-sac at the end of the street. Mr. Schram said, it does not matter what the realtor says, come up with some solutions. He asked what can we do to get this to change. A speed hump is anywhere from eight feet to ten feet wide and he has asked for those. Mr. McBride said that the police could write tickets to anyone who rolls through a stop sign or exceeds the speed by one mile per hour and they will storm City Council to complain that they are being persecuted.

Randy Mueller, 2415 Muirwood, verified that Mr. Schram is not exaggerating. He was offended at Mr. McBride's comment that people would storm City Hall if they were ticketed for speeding. He did not come here to get hostile; he came here for dialogue, but that statement offends him. They are worried about their children and the safety of their neighbors, that is the problem they are telling Council about and to worry that people are going to complain if they get a ticket is absurd. Mr. McBride said he does not worry about taking the heat; he just tells it the way it is.

Mrs. Holtzmeier said she knows Mr. Schram is passionate about this, she has seen the emails and some are twelve pages long when you get the thread. He is the one out there with a video camera. Mr. Schram said he hopes that his children and his wife are safe. Mrs. Holtzmeier said they have had some productive conversations. The speed hump aspect is what is outstanding for her. She asked Mr. Schram to find out about the speed humps in Toledo, how they are deployed, what their ordinances are, their costs, etc. Perhaps that is where this can be beat. Mr. Schram gave examples of other areas that use speed humps, or are planning to use them.

Another Kenwyn resident said speed humps will make people slow down. He reiterated the dangerous conditions and stated his concern for the safety of his son. They are already doing 40 miles per hour and there are too many houses. Drivers treat his street like NASCAR.

Mr. Witherpoon said they had given everyone something to think about and there would be more dialogue with the Police Department to see if they can come up with something. Mr. Schram asked when they should come back and agreed to come back in a month.

Mr. Butkowski asked how the City can get information to the people in Stonebridge if there is not a homeowner's association. Mr. Schram suggested the facebook page and said there is no other good way to get to the residents. Mayor Jensen said the City will write more tickets.

Walter Groethe, 33510 Streamview Drive, stated that he has felt for a long time that the City is much more concerned with developments and developers than with residents. Former Mayor Smith said the City did not have enough money to fix Avon Road, so the City closed it. There is not enough money to fix Jaycox Road, so it was made into a 15 mile per hour limit, but when the Cleveland Clinic wanted to come in, Avon moved heaven and earth. He said development is important, but so are the residents. When infrastructure is important for development, such as Chester Road, then it gets done, but when the residents want improvements, the answer seems to be, "when we have time." He urged Council to take the same commitment and planning as they do for development areas and put it toward residential areas.

Mayor Jensen disagreed with Mr. Groethe, stating that the City spends every day with the utility crews in residential areas; a big portion of what they do is maintenance and upgrading. As Mayor Smith said, there were some things the City was behind in, they put I-90 in, began to generate some revenue, but still have to pay part of that project off. Every day they look at how roads are going to be replaced. Funding for a lot of the projects is based on what businesses have brought into the community and residents will see the benefits in the near future. In two or three years you will see the benefits from that. He asked Mr. Cummins what the cost was for a mile of road and the answer was about \$500,000 to \$750,000. Mr. Cummins also said that the City is doing what they can to leverage outside dollars. Mr. Groethe mentioned Chester Road and State Route 611 and Mr. Cummins said eighty to ninety percent is being paid by state and federal funds, eighty percent of the resurfacing of State Route 83 is being paid by outside sources. The Chester Road improvements for Cabela's, etc. is being paid for by the developers. The City is actively looking at other areas right now.

Eva St Clair, St. Petersburg, Florida, staying at 39348 Colorado Avenue, Avon. She asked if the Mayor knew what is going on with the pipeline coming through the City and asked if he supports

it. Mayor Jensen said the City supports Avon Lake and that is a big revenue generation for that city. The City of Avon is trying to support them regarding that gas line. They have worked with most of the homeowners and there are some outstanding issues with other ones. That is a very important piece to Avon Lake, the City knows it will go past the ball field and will not affect many residents. Ms. St. Clair said there is a piece of property that is being affected and it is her mother's home. It is 2.5 acres on State Route 611. When the new pipeline corridor was first shown, it was coming down the borderline of her mother's property, next to Miller Road. There was a hospital that was going to be built close to the YMCA and the pipeline was going to go through their property, so it was moved over and now it is in the middle of her mother's property. It is commercial property and valuable. They offered her a small amount as a one-time only offer and now it is under eminent domain. They are now offering something like \$15,000 for a piece of property that is worth close to a million dollars. She asked if that is a problem. Mayor Jensen said he had been trying to work out something where that situation is concerned, but then the property owner retained legal counsel and that precluded him from helping or getting involved in the issue. He tried to put the two together and was told the family has legal counsel and he had to step away from that. He agreed with Ms. St. Clair that the family should get full value for what the property is worth, but he cannot get involved now. She asked if the City property south of State Route 611 would be affected and the Mayor said no.

#### ADJOURN

A motion was made by Mr. McBride and seconded by Ms. Berges to adjourn the Regular Meeting of Council, and the vote was: Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Urban, "yes"; Mr. Witherspoon, "yes".

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