**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 16, 2026 IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING AT 7:30 P.M.**

PRESENT:
Council Members: Council-at-Large – Mary Berges; 1st Ward – Jennifer Demaline; 2nd Ward – Anne Marie Etienne; 3rd Ward – Tony Moore; Council-at-Large – Michelle Patton; 4th Ward – Scott Radcliffe; Council-at-Large and Council President – Brian Fischer; Mayor – Bryan Jensen; City Engineer – Ryan Cummins; Planning/Economic Development Coordinator – Pam Fechter; Law Director – John Gasior; Finance Director – Steve Presley; Safety/Public Service Director – Duane Streator; Clerk of Council – Barbara Brooks

Council President Brian Fischer called the meeting to order.
Mr. Fischer announced that item no. 5a would be added to tonight's agenda: "Discussion of Establishing a Community Improvement Corporation (CIC)".

1. PRESENTATION OF A NEW PROMOTIONAL VIDEO ABOUT AVON — Mayor Jensen

Mayor Jensen introduced a new promotional video about Avon created by Maximum Velocity. The video highlighted various aspects of the City including growth opportunities, quality of schools, housing options, business environment, and community spirit. The video featured testimonials from residents and business owners emphasizing Avon's location advantages, thriving atmosphere, and commitment to excellence.

Following the presentation, Council President Fischer thanked Maximum Velocity for their work, noting they are business neighbors of his who do great work for the community. Council Members expressed appreciation for the professionally produced video, which will be shared on social media platforms to showcase Avon's attributes.

Mayor Jensen explained that the video would be used to accent what makes Avon special, taking advantage of the "City of Champions" theme while promoting the City's positive qualities rather than specifically marketing for more housing developments.

2. ORDINANCE NO. 9-26 – TO AMEND CHAPTERS 210, 1040 & 1042 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON FOR THE PURPOSE OF UPDATING THE WATER & SEWER CODES AND ADJUSTING CERTAIN RATES AND FEES — Mr. Bruce
The second of three readings of Ordinance No. 9-26 will be on Monday, February 23, 2026

Brian Bruce, Superintendent of Utilities, was present for questions but had no additional information to add.

There were no questions from Council Members regarding the Ordinance.

3. ORDINANCE NO. 10-26 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT THE SOUTHEAST CORNER OF MIDDLETON ROAD AND PENDLETON COURT, (SUBLOT NO. 1 IN THE MIDDLETON CROSSINGS SUBDIVISION), FROM LIG LAND, LLC — Mr. Gasior
The second of three readings of Ordinance No. 10-26 will be on Monday, February 23, 2026

Mayor Jensen presented a visual of the property under consideration for purchase to house a second Fire Station. He explained the advantages of this site, noting it is "site ready" with existing retention infrastructure and utilities already in place.

The Mayor compared this property with an alternative location that had been considered, which would have been donated free of charge. He explained that the free property would require significant additional costs, including:

- Installation of a box culvert estimated at over $1 million
- Potential wetlands issues and creek relocation
- Road development costs approaching $2 million to access the site

- Additional site preparation costs
- 2-3 years before everything would be in place

Mayor Jensen emphasized that the proposed property purchase would require minimal additional work, providing better access for fire trucks with Pendleton Court serving as a return entrance for vehicles. The location near an intersection would allow the use of existing traffic lights with potentially minor improvements. Mayor Jensen said he was more than happy to answer any additional questions that Council may have on this topic.

4. ORDINANCE NO. 14-26 – AMENDING SECTION 660.05 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO PROVIDE REGULATIONS GOVERNING THE RESPONSIBILITIES OF ADJACENT PROPERTY OWNERS AND OCCUPIERS FOR THE CITY'S WALKING PATHS AND TRAILS

Mr. Gasior

The second of three readings of Ordinance No. 14-26 will be on Monday, February 23, 2026

Mr. Gasior explained that this Ordinance addresses responsibilities for maintenance of the French Creek Greenway Phase 1 recreational walking trail. He noted that he made revisions to the Ordinance based on previous feedback, cleaning up the "Whereas" clauses to make them less specific to the Greenway Trail, and adding clarifying language in part (b) to specify "City installed or publicly funded" greenways.

Mr. Gasior explained that the changes would ensure that maintenance responsibilities for paths within housing developments would remain with HOAs, while this Ordinance would apply specifically to publicly funded walking paths that are 8 feet or greater in width.

5. ORDINANCE NO. 15-26 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MKSK TO PERFORM SITE DESIGN SERVICES FOR THE TRAXLER PARK/ARBORETUM PROJECT IN THE CITY OF AVON

Mayor Jensen

The second of three readings of Ordinance No. 15-26 will be on Monday, February 23, 2026

Mayor Jensen introduced this item, explaining that the City has been looking for an architectural firm to develop and design plans for parkland and other City properties, including the Traxler property.

Michael Mears, Associate Principal, from MKSK, 2019 Center Street, Cleveland, introduced himself and presented his firm's qualifications. He explained that MKSK has 10 employees in their Cleveland office, with 9 offices nationwide. The firm has been working in Northeastern Ohio and communities throughout Ohio for over 30 years, specializing in landscape architecture, urban design, and planning.

Mr. Mears shared examples of conceptual plans for similar projects, including:

- Gordon Park (Cleveland Metro Parks)
- Bennett Farm in Powell (former sheep farm)
- Taylor Farm Park in New Albany (100-acre property)

He outlined the general approach to the Traxler project, which would include site analysis, understanding unique features like the creek and existing trees, and community engagement. The project would focus on leveraging the site's location between schools and creating passive recreational opportunities. The end result would be a master plan with opinion of probable costs for different elements.

Council Members asked various questions about the project timeline (targeting end of March), educational elements for students, safety considerations, outdoor seating options, and the format of the final deliverables. Mr. Mears confirmed the final plan would include digital renderings and a comprehensive document detailing the entire process from site analysis to final recommendations.

The goals for the property, as discussed with the Council, involve understanding its potential for development in a way that maximizes benefit for Avon. Mayor Jensen explained that Avon seeks a professional approach to develop its City lands, utilizing the expertise of architectural firms like MKSK, who have experience in landscape architecture, urban design, and planning. Mr. Mears from MKSK discussed the importance of incorporating the unique characteristics of the Traxler property, such as its beautiful creek and tree line, into their plans while being strategically placed between schools, making it accessible for educational trips and community use.

The Council was informed about the approach which involves comprehensive site analysis and stakeholder engagement to determine community needs and development goals. The focus will be on ensuring that the property supports passive recreation while preserving the natural aspects. There is a planned creation of conceptual designs, including digital renderings, to help visualize what the newly developed areas will look like, designed to bolster community engagement and funding opportunities. Mr. Mears assured Council that the ultimate goal is to create spaces that reflect the essence of Avon while being functional for its residents.

Mrs. Demaline asked what area they were looking at concentrating on for the Arboretum. Mayor Jensen clarified that the focus was on enhancing the professional appearance of the whole area, which includes the placement of parking lots and entrance design to ensure a seamless integration with the current school entrance. He elaborated that the design would guide visitors naturally towards the Stoney Ridge Road entrance rather than the Centennial Avenue/Hayes Street entrance, considering the infrastructure limitations and neighborhood preferences. Mayor Jensen emphasized the importance of showcasing the entire property as a cohesive plan rather than just a parking lot, bringing the beauty of both the creek and tree line to life for the community.

Mrs. Demaline asked about the bridge repair and Mayor Jensen explained that while they are already working on the bridge, it will still be incorporated into the overall project. He mentioned that part of the design process involves improving the existing parking lot and defining the trail leading to the bridge. This comprehensive approach will help create a cohesive connection from the bridge to the planned activity center and other key areas in the project, ensuring a seamless integration into the overall parkland design.

Ms. Etienne shared that she previously lived near and frequently visited Gordon Park, expressing her fondness for it. Ms. Etienne highlighted its beauty, indicating that her past experiences with parks increase her appreciation for the development of the Traxler Park.

Mr. Fischer asked how the plan would be presented once completed. Mr. Mears explained that the final deliverable would typically be a comprehensive document called a compendium, compiling all elements from the project's process. This document would include a master plan rendering, which would serve as a detailed visual representation of the site's future development. He clarified that they would provide a full digital version of this document, allowing for easy viewing on screens and for closer examination of specific sections. This digital format, he added, would allow Council Members and stakeholders to zoom in on certain parts of the plan in order to scrutinize different elements more closely, whether those involve paths, trails, parking lot upgrades, or other site improvements. Mr. Mears noted that the comprehensive nature of the document would also include site analysis findings, photographs, and a breakdown of the conceptual thought processes that led to their final recommendations, ensuring that all aspects of their planning and design were transparent and accessible for further use in fundraising and implementation.

Ms. Patton mentioned that this property is between two schools, the Avon High School and the Early Learning Center. She highlighted the unique position of the Traxler property as an educational opportunity, noting that teachers could potentially take their classes on field trips to the area, given its accessibility from the schools. Ms. Patton expressed the importance of ensuring safety for students, particularly younger children from the Early Learning Center. She suggested incorporating educational elements into the design, such as labeling trees and plant life, to aid teachers who may not be familiar with local flora and fauna, thereby enhancing the learning experience for visiting students. Ms. Patton was enthusiastic about creating outdoor seating to accommodate a class of students for activities like lunch or outdoor lessons, emphasizing how these elements could significantly contribute to the educational value of the Traxler project for the community.

Mr. Mears responded to Ms. Patton's comments by confirming that integrating educational elements into the park's development is indeed a priority. He expressed enthusiasm for leveraging the site's unique arboretum features, including the various species of trees, to create an educational experience that enhances visitor engagement. Mr. Mears highlighted the potential of designing features such as interpretive signage or digital guides to help visitors, including school groups, learn about the local flora and fauna.

In terms of safety considerations, Mr. Mears acknowledged Ms. Patton's concern about ensuring a secure environment for students accessing the property. He discussed the importance of analyzing pedestrian pathways and access points, especially given the site's adjacency to two schools, to accommodate the safe and exploratory nature of school field trips.

Additionally, Mr. Mears agreed with Ms. Patton on the importance of providing outdoor seating areas for classes. Such spaces would serve as venues for lunch breaks or outdoor educational sessions, encouraging schools to use the site as a dynamic extension of their classroom environments. He underscored the firm's commitment to including these elements in their planning process, ensuring that the park not only serves as a natural retreat but also as a vibrant outdoor classroom for the community.

5a. DISCUSSION OF ESTABLISHING A COMMUNITY IMPROVEMENT CORPORATION (CIC)

Mayor Jensen/Mr. Beachler

Mayor Jensen opened the discussion by stating that currently, if the City decides to sell the current City Hall location, it would simply go out to bid, which restricts the City's ability to control what the property becomes. The existing process doesn't allow any flexibility for stipulating preferences about the buyer or the future use of the property, as it is determined by the highest bid. Mayor Jensen explained the limitations of this approach and introduced the idea of establishing a Community Improvement Corporation (CIC) as an alternative. He anticipated that the Ordinance establishing the CIC would go the full three readings to allow for more discussion at subsequent meetings, but he asked Mr. Beachler to give a general overview of a CIC.

Blake Beachler from Calfee, Halter and Griswold Law Firm and an Avon resident, provided a detailed explanation of Community Improvement Corporations (CICs), highlighting their role as quasi-governmental entities formed by the City as nonprofit corporations to grant cities more flexibility in property transactions. Mr. Beachler said that while CIC's have been around since the 1960's or 1970's, it is new for a lot of communities. He explained that CICs offer several advantages for municipal property management:

- CICs do not need to advertise property sales or accept competitive bids, allowing cities more strategic control over selecting buyers and determining intended uses for properties.
- Despite the greater flexibility provided by CICs, the City Council retains significant oversight, particularly in the approval of purchase prices, ensuring property sales align with community interests.
- The operational framework of a CIC is structured by an agreement between the City and the Corporation, clearly outlining the process, control of funds, and governance responsibilities.
- Legally, 40% of the CIC Board Members must be City Officials or Elected Officials, maintaining public accountability.
- While CICs are subject to public records laws, provisions are in place to keep certain business information, like trade secrets and financial details, confidential, making them more attractive to potential business partners.
- Achieving a 501(c)(3) status allows a CIC to accept tax-deductible donations, offering potential new funding avenues.
    - Those avenues include not only the ability to apply for grants, providing the City with potential new funding sources for development or community projects but also engaging in economic activities such as leasing, mortgaging, and selling property. This additional flexibility allows a CIC to act decisively in favor of community and City goals, without being hindered by some of the constraints that typically accompany municipal property management. Furthermore, a CIC, through its quasi-governmental status, offers a public and private bridge, fostering potential partnerships with businesses while retaining City oversight and accountability.

Mr. Fischer asked how many Board Members would serve on the CIC and how those Board Members are selected. Mr. Beachler explained that generally, City Council would decide on the initial formation and then pick the Board Members. The bylaws would stipulate the number of Board Members and their composition, which could include various City Officials and Elected individuals such as the Mayor, Council Members, or even Department Heads. Mr. Beachler noted that the Board could be as small as five members or much larger but cautioned that larger boards often face challenges in decision-making. The Council would have to ensure that 40% of the Board Members are City Officials or Elected Officials to maintain the required oversight and governance. Mr. Fischer raised further queries about the financial aspects of Board Membership, to which Mr. Beachler responded that while Board Members could technically be paid, payments would need to be mindful of the 501(c)(3) status to be tax compliant. He reiterated that motivation for Board Membership often stems from a sense of civic duty and contributing to City governance, rather than financial incentive. The discussion highlighted Council's interest in maintaining strategic control and oversight through careful selection of board members.

Regarding the timeline, Mr. Beachler explained that the drafting of the articles of incorporation and filing does not take long, but it requires Council approval, which typically involves at least three readings at Council Meetings. Forming the CIC can vary in time, as it depends on how quickly the Board Members can get together, meet, and adopt their bylaws and code of regulations. The City would likely want to review these to ensure all parties are aligned. Mr. Beachler also noted that the most time-consuming part might be the agreement between the CIC and the City, outlining joint responsibilities and approval rights, since the statute allows for a broad range of possibilities in this agreement. He mentioned this entire process could take around six months to complete.

Mr. Fischer asked if the CIC can be disbanded once it has served its purpose for the sale of City property. Mr. Beachler explained that it could be disbanded as they operate under typical non-profit bylaws, which include provisions for dissolution. He elaborated that any decision to wind down the CIC would require a vote of the Board Members. Upon dissolution, any remaining assets of the CIC would need to be distributed in accordance with 501(c)(3) guidelines, often finding their way back to the City or local non-profit entities serving similar purposes. This process would ensure that all remaining proceeds align with the intended use for public or charitable purposes, as overseen by the court of common pleas for compliance.

Ms. Etienne asked about grant opportunities once the CIC is formed to which Mr. Beachler confirmed it is one of the abilities of a CIC to apply for and obtain grants.

Mayor Jensen emphasized the potential of a CIC in granting Avon strategic control over the sale of the current City Hall property, slated for relocation, to avoid obligatory sales to the highest bidder which may not align with City interests.

Council discussions revealed diverse positions regarding the formation of a Community Improvement Corporation (CIC):

- ❖ **Apprehensions about Timing and Strategic Decisions**:

- Mr. Fischer and other Council Members engaged in a diverse discussion regarding the formation of a Community Improvement Corporation (CIC). They debated whether to establish a CIC to manage the transition and potential sale of the current City Hall property. Mr. Fischer highlighted the value of maintaining control over any property transaction to prevent it from being sold to the highest bidder without the City's strategic interests in mind. Highlighting a perspective shared by other Council Members, Mr. Fischer underscored the importance of strategically determining the future use of the property, expressing his preference for a judicious approach that considered Avon's broader development goals and community character.

- Mr. Moore expressed apprehension about forming a CIC without first making a strategic decision on whether to sell the current City Hall property. Mr. Moore highlighted a concern about putting "the cart before the horse," indicating that the decision to sell should precede the formation of a CIC. He questioned the necessity of forming a CIC at this point without a concrete decision on selling the property, suggesting that establishing a CIC before having a clear property strategy might be premature. He highlighted that this intersection is already problematic in terms of traffic.

- ❖ **Support for Property Sale to Finance Relocation**:

- Mayor Jensen felt the current City Hall property was too valuable to just let it sit unused, expressing the need for action to ensure its potential commercial development benefits the City. He emphasized that it's crucial to manage the site's future strategically. The value of the property is estimated at $3 million, and Mayor Jensen sees it as an asset that should be leveraged rather than left dormant. He acknowledged the community's concerns about maintaining control over the development process, ensuring that whatever is done with the property aligns with the City's broader development plans and does not compromise its character or overburden local infrastructure. The Mayor pointed out that the current process doesn't allow sufficient flexibility if they just put it out for public bid, as the property might end up being sold to the highest bidder. He sees the formation of a Community Improvement Corporation (CIC) as an opportunity to impose specific parameters and conditions on any property sales while ensuring decisions align with community development goals.

- Mr. Radcliffe backed the idea of selling the property to raise an estimated $3 million, seen as a significant contribution to funding the new City Hall. He emphasized the financial prudence of reinvesting the funds from the sale into developing the new infrastructure, underlining the property's value and the financial benefits of capitalizing on it rather than leaving it undeveloped. He also supported having some control over the future use of the property through a CIC. He felt the City should never put themselves in a position to let a piece of property "just sit" especially a piece that is worth that much money.

- Ms. Patton expressed her support for the idea of forming a Community Improvement Corporation (CIC), as it would give the City control over the future of the City Hall property, ensuring that it is developed in a way that aligns with the community's interests. Ms. Patton mentioned that while she understands a significant business might be necessary to make a profit from a $3 million property, her hope is for a business that is mindful of the community and does not contribute to overwhelming traffic. She could not imagine the type of business that would meet such criteria while still making a noticeable profit, demonstrating her concern for maintaining the area's quality of life and the importance of considering business types that align with community values and minimize disruption.

- Mayor Jensen acknowledged that Chick-fil-A is interested in the City Hall property. He indicated that several parties had shown interest and had approached the City, noting that there were details related to traffic concerns. This included understanding that any development on the site would prioritize ensuring that it wouldn't exacerbate existing traffic congestion. Mayor Jensen emphasized the importance of maintaining control over any potential development, which would be achievable through the establishment of a Community Improvement Corporation (CIC). This control would allow the City to ensure that future uses of the property align with community interests and manage potential impacts on local infrastructure effectively. He felt they would be foolish not to sell the property but encouraged Council Members to speak with their constituents to gather opinions from the residents.

- Ms. Berges expressed her support for the sale of the property, emphasizing the need for the City to consider the financial advantages of selling such a valuable asset. She also pointed out the potential benefits for the community and the City's budget, noting that selling the property could help fund the new City Hall. Ms. Berges acknowledged the importance of maintaining control over the kind of development allowed on the property, advocating for a strategic approach to ensure that any future development aligns with the City's planning objectives. Ms. Berges also felt that keeping an empty building is not a good idea due to the potential expenses involved in maintaining the property over time. She pointed out that leaving the building vacant for a significant period, whether a year or more, could result in additional costs for upkeep and maintenance, which the City would have to incur. Having the building sit empty might also not present a positive image for the City. Ms. Berges highlighted the practicality of selling the property to avoid these long-term costs and use the funds generated towards City needs. This approach aligns with a more financially prudent strategy that considers both the immediate financial gains and the longer-term financial impacts of maintaining unused property. She urged the Council to weigh these considerations in their discussions on the future of the City Hall property. She added that the City employees know better than anyone else the challenges with traffic, having firsthand experience with the persistent difficulties in navigating the area. Those who work at City Hall understand the practical challenges in getting in and out of the property due to the high congestion, so they can provide valuable insight on how potential developments might exacerbate or alleviate these issues. She mentioned that while the sale of the property presents a financial opportunity, it will be imperative to preserve access and minimize disruptions in this already congested area. By ensuring that the City plays an active role in decision-making, Ms. Berges emphasized the importance of leveraging the employees' local knowledge and experiences to guide a development that aligns with both strategic and operational traffic planning goals.

- ❖ **Arguments for Retaining the Property**:

- Mr. Fischer voiced this perspective, underscoring the significance of this parcel as a piece of "sanity" amid the other commercial developments on Chester Road, preferring not to sell it to any high-traffic or fast-food establishment that might alter its current state. He said that while he knows this property is worth a lot of money, he emphasized the importance of strategic control in deciding its future and it is his opinion that the City should keep it. Mr. Fischer agreed the City should maintain control of how the current City Hall property is eventually sold but felt that a CIC could be formed 5-10 years from now as he believed the value of the property would only continue to increase over time.

- ❖ **Formation of the CIC and Structure**:

- The discussions also broached concerns about the Board composition and timeline for establishing the CIC. Mr. Beachler, providing legal insights, noted that forming a CIC typically involves a six-month process, during which articles of incorporation and bylaws are drafted and reviewed. He assured the Council that the proceeds from property sales conducted under a CIC could be funneled back into the City's budget, alleviating some Council Members' concerns about revenue allocation and reflecting responsive governance over potential development and financial strategies.

- Mr. Gasior inquired about the process by which the City Hall property might be transferred to the CIC. Mr. Beachler explained multiple pathways available for transferring the property. He noted that for the property to be deeded to the CIC, it must first be designated as no longer necessary for City use, allowing for a direct transfer. Mr. Beachler pointed out that cities have flexibility in setting the property's consideration value, whether at fair market value or potentially as a nominal transfer. Alternatively, the CIC could also act as an agent for the City in property sales, allowing the City to maintain some level of involvement in transactions. Mr. Beachler emphasized that this approach would ensure continued oversight by the City, aligning with the goals of achieving strategic control over the property's disposition and development in alignment with community interests.

The dialogue underscored the need to balance immediate financial benefits and long-term strategic planning for property management, while also integrating community interests into decision-making processes.

Mr. Gasior advised the Ordinance should be on the agenda next week for first reading and he anticipated it would go the full three readings and they could discuss it again at the Work Session on March 2nd.

6. REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MS. BERGES, AT LARGE announced that the City won the Gold Leaf Award from the Ohio Chapter of the International Society of Arboriculture, thanking Mayor Jensen, the Administration, City Council, the Tree Commission, and Arborist Rick Varga, who submitted the application.

Ms. Berges also mentioned that the Cleveland Clinic in Avon has established the first hospital food bank in the region, through Second Harvest, to address food insecurity. She said that Mercy Hospital and UH would be following suit.

MRS. DEMALINE, WARD 1, had no comments.

MS. ETIENNE, WARD 2, commented that the video was well done.

MR. MOORE, WARD 3, also said the promotional video was great and congratulated the Tree Commission on receiving the Gold Leaf Award.

MS. PATTON, AT LARGE, expressed her gratitude to the Mayor, Mr. Gasior, Ms. Fechter and Ms. Clements, for their assistance in addressing an issue with frequent early morning dumpster pickups that abut a residential neighborhood. She highlighted that the noise from the dumpster services had been a disturbance, occurring as early as 4:44 AM, and appreciated their efforts in working towards a resolution to mitigate the inconvenience for the residents.

MR. RADCLIFFE, WARD 4 appreciated the mild weather conditions, as they have helped reduce the need for road salt, which has been a positive development for the City. He noted that the current weather situation has allowed the City to better manage its salt supplies, alleviating the strain on resources.

MR. FISCHER, AT LARGE thanked Maximum Velocity for the video. He thanked the Tree Commission and Mr. Varga for being recognized with the Gold Leaf Award. Mr. Fischer asked Mr. Streator about the salt supply. Mr. Streator responded by providing an update, noting that the City is doing much better in terms of salt availability. He reported that they have received some more salt, bringing the total to about 900 tons.

DIRECTORS/ADMINISTRATION:

MR. CUMMINS, CITY ENGINEER, had no comments.

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

MR. GASIOR, LAW DIRECTOR, had no comments.

MR. PRESLEY, FINANCE DIRECTOR, had no comments.

MR. STREATOR, SAFETY DIRECTOR/PUBLIC SERVICE DIRECTOR, mentioned ongoing efforts to remove unauthorized signs from intersections and the right of way, especially on weekends by utilizing the Community Resource Officer to assist Ms. Clements. He also provided an update on the salt supply, reporting that the City now has about 900 tons and is doing better with current weather conditions.

AUDIENCE:

Craig Young of 39278 French Creek Road expressed concern over liability issues arising from the walking paths Ordinance No. 14-26, particularly regarding e-scooters traveling at high speeds. He questioned how the new section (b) of the Ordinance relates to section (e), specifically seeking clarification on homeowners' liability if an incident occurs on the bike path due to maintenance problems or accidents involving scooters. Mr. Gasior explained that the Ordinance limits homeowners' responsibilities to snow removal only, without additional maintenance duties for paths that are City-installed and publicly funded, and at least 8 feet wide. Mr. Gasior added that with the amendment of subsection (b), the Ordinance now clearly distinguishes the maintenance responsibilities of adjacent property owners. Only snow removal up to 5 feet is expected from the homeowners, ensuring they have no other maintenance obligations for City-installed or publicly funded trails. This amendment seeks to alleviate concerns regarding extended liability on homeowners, especially in incidents where e-scooters or bicycles may be involved. The updated section emphasizes that while adjacent property owners are involved in minimal maintenance, the primary responsibility for the upkeep of these pathways' rests with the City. This clarification is aimed at providing homeowners with a clear understanding of their responsibilities and protecting them from potential liabilities arising from maintenance-related claims, particularly when dealing with high-speed e-scooters or similar issues on these public pathways.

Mr. Young raised concerns about high-speed e-scooters potentially turning new biking paths into "racetracks," pointing out the dangers of placing paths close to homes and asking who would be liable in accidents involving maintenance problems or mishaps with speeding scooters. He noted that e-scooters capable of reaching high speeds pose a liability risk to homeowners, especially with paths moving closer to homes and shortening the buffer zone. The discussion revealed that while homeowners have no maintenance duties beyond snow removal for City-installed and publicly funded paths, the dialogue highlighted ambiguity about the legal consequences when accidents involve vehicles, such as e-scooters, traveling at excessive speeds.

Mr. Young asked if they know what mode of transportation would be allowed and not allowed on the path and expressed surprise that they didn't yet know. This question was aimed at clarifying concerns about what kind of traffic the paths would accommodate particularly highlighting worry over various modes like e-scooters and four-wheelers potentially causing safety issues. Mayor Jensen clarified that there is an intention to limit the use of certain vehicles on the paths, specifically four-wheelers and go-karts, which are not supposed to be allowed. He acknowledged that enforcing these restrictions could pose challenges, given that some vehicles might still attempt to use them. He pointed out the necessity of finding a balance between creating safe paths and not allowing their misuse, highlighting the ongoing consideration of speed limits and enforcement measures to ensure proper use. Mr. Gasior noted the practical challenges of enforcement and the importance of instilling common sense among users, recognizing the community's role in managing proper path usage.

The City Administration acknowledged these enforcement challenges and the necessity for comprehensive safety education about proper path usage. It was discussed that existing legislation is being revisited to adapt to the contemporary transport modes, like e-scooters, that bring fresh challenges in terms of regulation and liability. The debate touched on the legal definitions that differentiate between pedestrians and users of bicycles or scooters, which directly impacts liability at instances of accidents. Mr. Young stressed the importance of considering alternative locations for paths to reduce risks and expressed surprise that decisions were yet to be made on what activities would be officially permitted on the newly constructed paths. Mr. Gasior touched on the need for an educational component to inform communities about transport modes and ensure the paths' responsible use.

7. ADJOURN: 8:47 p.m.
There being no further business, the Work Session of Council was adjourned.

PASSED: ________________________

SIGNED BY: _____________________________________
Brian Fischer, Council President

ATTEST: __________________________________
Barbara Brooks, Clerk of Council