

**PUBLIC HEARINGS  
MONDAY, JANUARY 27, 2020**

7:20 P.M. – Council President Brian Fischer opened the Public Hearing for Ordinance No. 14-20.

**ORDINANCE NO. 14-20 -DETERMINING TO PROCEED WITH THE CITY  
IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY CONSTRUCTION OF AN  
APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK  
ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY LANE BY THE  
CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH  
TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED  
IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY – [PURSUANT  
TO THE LOWEST AND BEST BID FOR LABOR AND MATERIALS FOR SUCH  
IMPROVEMENTS EVEN THOUGH SAID BID EXCEEDS THE ESTIMATED COST  
FOR SUCH LABOR AND MATERIALS BY FIFTEEN PERCENT OR MORE]**

Steven Jacobs of 37625 French Creek Road asked regarding the heading where it states the bid exceeds the estimated cost for such labor and materials by fifteen percent or more, how much the bid exceeded the estimated cost.

Mr. Gasior advised the project was advertised for bids and by law if the lowest and best bid is over ten percent of the estimated cost, they have to rebid the project. Based on the original estimate, the initial bids received were over thirty percent higher. The City Engineer increased the estimated amount, but the City was still under the fifteen percent from the original estimate. The project was rebid, and the lowest and best bid came in at seventeen percent above the original estimate and seven percent above the new estimate and considered within the ten percent threshold. He explained there are contingencies in that estimate and if you take the contingencies out of the equation, they were just over seven percent higher than the original estimated cost.

Mr. Cummins explained that out of an abundance of caution the City decided to hold this public hearing. If the full contingency were to be used, then that puts the project over the estimated cost by more than fifteen percent from the estimated assessment.

Mr. Jacobs asked if this additional cost would be passed on to the residents.

Mr. Cummins advised whatever the final costs of the project are, those will be distributed to the various parcels the way it was laid out previously. He said it is not a strict one to one correlation between extra costs on to the residents because the City is taking up almost two-thirds of the project costs.

Mr. Gasior advised the original estimate that was sent out is an estimate. Whatever the final cost of the project is, Council will have to pass the Assessing Ordinance providing the final actual cost to each property owner.

Mr. Cummins stated if the project is constructed as it will be awarded tonight, that bid includes an almost ten percent contingency. If that full contingency is used, the project would be seventeen percent higher than the original assessment estimate. He does not believe that is likely that the full contingency would be used, and he said if there is no contingency used the project is only seven percent higher. Mr. Cummins advised because there is the potential under the worst-case scenario

for it to be higher than fifteen percent when everything is said and done, it was decided to hold the public hearing.

There were no further comments.

The Public Hearing for Ordinance No. 14-20 was closed at 7:28 p.m.

**7:28 P.M.** – Council President Brian Fischer opened the Public Hearing for Resolution No. R-1-20.

**RESOLUTION NO. R-1-20 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-012-103-079, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES AND DECLARING AN EMERGENCY**

There being no comments, the Public Hearing for Resolution No. R-1-20 was closed at 7:29 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 27, 2020  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

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

PRESENT

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

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Moore to amend the agenda by deleting item #21 - Ordinance No. 17-20 – (Authorizing the Purchase of Property at the Northwest Corner of Jaycox Road and Middleton Drive), 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 accept the agenda as amended, 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.

#### REAPPOINTMENT OF CLERK OF COUNCIL

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to reappoint Barbara J. Brooks as Clerk of Council, 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

#### APPOINTMENT OF TREASURER

A motion was made by Mr. McBride and seconded by Mr. Moore to appoint Kathleen M. Burns as Treasurer, 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.

#### REAPPOINTMENT OF ASSISTANT CLERK OF COUNCIL

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to reappoint Gail A. Hayden as Assistant Clerk of Council, 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

#### MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JANUARY 6, 2020

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Monday, January 6, 2020, and to approve said minutes as published, 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.

#### MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JANUARY 13, 2020

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, January 13, 2020, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

#### MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD TUESDAY, JANUARY 21, 2020

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Special Meeting of Council held Tuesday, January 21, 2020, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 5-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,020,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY’S OUTSTANDING RECREATIONAL FACILITIES IMPROVEMENT GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2011 (YMCA PROJECT), DATED MAY 10, 2011

The Clerk read Ordinance No. 5-20 by title only, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,020,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY’S OUTSTANDING RECREATIONAL FACILITIES IMPROVEMENT GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2011 (YMCA PROJECT). DATED MAY 10, 2011 AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 5-20.

Mr. Logan advised he was asking Council to amend this Ordinance because the language was changed somewhat to add the flexibility to hold off on the advance refunding, but rather wait until ninety days before the call date of December 1, 2020. He said by September 1, 2020 they could do a normal tax-exempt refunding for this series of bonds. If interest rates stay where they are now, they will realize a little bit more savings on this series by holding off. Mr. Logan explained this added the flexibility to do the advance refunding if they choose or wait and do a normal tax-exempt refunding when they get to within that ninety-day period.

Mr. Logan stated the other bond Ordinances (6-20, 7-20, 8-20, 9-20) have call dates of December 1, 2021 and he still recommends advance refunding for those series, which is taxable.

A motion was made by Mr. Witherspoon and seconded by Mr. Radcliffe to amend Ordinance No. 5-20 by accepting the changes in the language as explained above, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 5-20 as amended, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 6-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,345,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY’S OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2012A, DATED JUNE 28, 2012

The Clerk read Ordinance No. 6-20 by title only, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,345,000 FOR THE PURPOSE OF**

**REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S  
OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION  
(LIMITED TAX) BONDS, SERIES 2012A DATED JUNE 28, 2012  
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 6-20.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 6-20, and the vote was: Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 7-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE  
MAXIMUM PRINCIPAL AMOUNT OF \$8,900,000 FOR THE PURPOSE OF REFUNDING FOR  
DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE  
GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2012B, DATED JULY 18, 2012

The Clerk read Ordinance No. 7-20 by title only, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE  
MAXIMUM PRINCIPAL AMOUNT OF \$8,900,000 FOR THE PURPOSE OF  
REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S  
OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION (LIMITED  
TAX) BONDS, SERIES 2012B DATED JULY 18, 2012  
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 7-20.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 7-20, and the vote was: Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Fischer, "yes".

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

ORDINANCE NO. 8-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE  
MAXIMUM PRINCIPAL AMOUNT OF \$12,875,000 FOR THE PURPOSE OF REFUNDING FOR  
DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE  
GENERAL OBLIGATION (LIMITED TAX) BONDS, SERIES 2013, DATED JUNE 26, 2013

The Clerk read Ordinance No. 8-20 by title only, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE  
MAXIMUM PRINCIPAL AMOUNT OF \$12,875,000 FOR THE PURPOSE OF  
REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S  
OUTSTANDING VARIOUS PURPOSE GENERAL OBLIGATION (LIMITED  
TAX) BONDS, SERIES 2013, DATED JUNE 26, 2013  
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 8-20.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 8-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 9-20 – PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING NAGEL ROAD INTERCHANGE GENERAL OBLIGATION BONDS (LIMITED TAX), SERIES 2014, DATED JUNE 18, 2014

The Clerk read Ordinance No. 9-20 by title only, entitled:

**AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF REFUNDING FOR DEBT CHARGES SAVINGS CERTAIN OF THE CITY'S OUTSTANDING NAGEL ROAD INTERCHANGE GENERAL OBLIGATION BONDS (LIMITED TAX), SERIES 2014, DATED JUNE 18, 2014 AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Ordinance No. 9-20.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 9-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 12-20 – TO AWARD THE PUBLIC BID TO CONSTRUCT BUILDING ENVELOPE AND HVAC IMPROVEMENTS AT THE AVON POLICE STATION

The Clerk read Ordinance No. 12-20 by title only, entitled:

**AN ORDINANCE TO AWARD THE PUBLIC BID TO CONSTRUCT BUILDING ENVELOPE AND HVAC IMPROVEMENTS AT THE AVON POLICE STATION 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. 12-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 12-20, and the discussion was:

Mr. Moore asked if this is the same company that presented to Council previously.

Mr. Cummins advised yes, the architect and mechanical engineer have been in front of Council a couple of times. He said they first did a report and then came back and reviewed the bid documents and did the design work.

Mr. Moore asked if there is any warranty or guarantee on their work.

Mr. Cummins advised the existing insulation that is a lot of the cause of the problems, he believes does not have any type of warranty on it.

Mr. Moore thought it was discussed earlier that the work would be good for X amount of years.

Mr. Cummins advised there is not a set warranty that comes with their work. He said they performed their professional services to the best of their abilities. Mr. Cummins stated they obviously have professional liability insurance if it is found that they were negligent in any manner, but they did a thorough study and believe this will address the issues at hand if approved.

Mr. Fischer asked when the work would begin.

Mr. Cummins believes the work would begin in about a month and would take approximately four to five months to complete.

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

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

**ORDINANCE NO. 13-20 – TO AWARD THE PUBLIC BID FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY**

The Clerk read Ordinance No. 13-20 by title only, entitled:

**AN ORDINANCE TO AWARD THE PUBLIC BID FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Witherspoon to suspend the rules and act on Ordinance No. 13-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 13-20, and vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

**ORDINANCE NO. 14-20 – DETERMINING TO PROCEED WITH THE CITY IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT**

SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

The Clerk read Ordinance No. 14-20 by title only, entitled:

**AN ORDINANCE DETERMINING TO PROCEED WITH THE CITY IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY CONSTRUCTION OF AN APPROXIMATELY 2,400-FOOT SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD, AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO 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. 14-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 14-20, and vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 15-20 – TO AWARD THE BID FOR THE BRIAR LAKES PUMP STATION ABANDONMENT PROJECT

The Clerk read Ordinance No. 15-20 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE BRIAR LAKES PUMP STATION ABANDONMENT PROJECT 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. 15-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 15-20, and the discussion was:

Mr. Cummins advised this is the public rebid for the Briar Lakes Pump Station Abandonment Project. The low bidder, Fabrizi Trucking & Paving Company, Inc., is a well-known contractor. A few years ago, this company performed the work on Chester Road from SR83 to the east side of Walmart and did a very nice job with that project. He said the current rebid came in 1.2% greater



than the revised engineer's estimate and based on the experience of the contractor and the closeness of the bid to the engineer's estimate, he recommends them to be the lowest and bid bidder for the project.

Mr. McBride asked if it is known what has been paid currently in utilities as well as annual maintenance costs at that pump station.

Mr. Logan said he could try to find out, but he did not know off-hand. He stated the Utilities Department is called out to that location at least 5-6 times a year, on average.

Mr. Farmer felt that was a conservative number and advised there is a constant problem with the pumps and other equipment.

Mayor Jensen advised they could check the records at the Utilities Department as he believes the information was presented to Council previously regarding that pump station.

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

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

ORDINANCE NO. 16-20 – AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE SOUTHWEST CORNER OF JAYCOX ROAD AND MIDDLETON DRIVE, PERMANENT PARCEL NO. 04-00-022-101-022

The Clerk read Ordinance No. 16-20 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT FOR REAL ESTATE LOCATED AT THE SOUTHWEST CORNER OF JAYCOX ROAD AND MIDDLETON DRIVE, PERMANENT PARCEL NO. 04-00-022-101-022 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. 16-20, and the vote was: Mr. Radcliffe, "yes"; Mr. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Fischer, "yes".

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 16-20, and 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.

RESOLUTION NO. R-1-20 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO.

10-04-00-012-103-079, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES

The Clerk read Resolution No. R-1-20 by title only, entitled:

**A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY THOMAS I. AND MELANIE M. HRICOVEC TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 4431 STONEY RIDGE ROAD, PERMANENT PARCEL NO. 10-04-00-012-103-079, DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, CONSISTING OF 21.5 ACRES 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-1-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-1-20, and the discussion was:

Mayor Jensen advised Mr. Hricovec was in the audience if there were any questions from Council.

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-2-20 – DISSOLVING THE ASSESSMENT EQUALIZATION BOARD CREATED SEPTEMBER 9, 2019 BY RESOLUTION R-25-19 TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY THE CONSTRUCTION OF APPROXIMATELY 2,400-FOOT OF SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY LANE BY THE CONSTRUCTION OF APPROXIMATELY 230-FOOT OF SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

The Clerk read Resolution No. R-2-20 by title only, entitled:

**A RESOLUTION DISSOLVING THE ASSESSMENT EQUALIZATION BOARD CREATED SEPTEMBER 9, 2019 BY RESOLUTION R-25-19 TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENTS OF (1) FRENCH CREEK ROAD BY THE CONSTRUCTION OF APPROXIMATELY 2,400-FOOT OF SANITARY SEWER FROM 38151 FRENCH CREEK ROAD TO 37556 FRENCH CREEK ROAD AND (2) CENTURY LANE BY THE CONSTRUCTION OF AN APPROXIMATELY 230-FOOT OF SANITARY SEWER, EACH TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Moore to suspend the rules and act on Resolution No. R-2-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Resolution No. R-2-20, and 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.

### REPORTS AND COMMENTS

Mayor Jensen had no comments.

### COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mrs. Holtzmeier, At Large, had no further comments.

Mr. McBride, Ward 2, had no comments.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, At Large, had no comments.

Mr. Fischer, At Large, had no comments.

### DIRECTORS/ADMINISTRATION:

Mr. Cummins, City Engineer, had no comments.

Mr. Farmer, Service Director, had no comments.

Ms. Fechter, Economic Development/Planning Coordinator, had no comments.

Mr. Gasior, Law Director, advised he sent a draft of the pool fees ordinance to Council over the weekend and he asked Mr. Butkowski, Chair of the Finance Committee, if he would like to hold a Committee Meeting to discuss the proposed rates for 2020. He mentioned there were no drastic changes proposed, but they would like to create a special Friendship pass and there was a slight adjustment on some of the fees to give people a slight discount for the fifth anniversary of the aquatic facility. Mr. Gasior stated the City would like to get that information out to give people as much notice as possible to sign up for these passes. He said if everything goes smoothly with the committee meeting, they could ask for a Special Meeting after the Work Session to act on those proposed pool fees.

Mr. Butkowski said they could hold a Finance Committee Meeting next Monday prior to the Work Session at 7:00 p.m.

Mr. Logan advised Mr. Fattler plans on attending the Committee Meeting to explain the reasoning behind all the rates, primarily the Friendship Pass.

The Finance Committee members were all in agreement to the date and time discussed.

Mr. Logan, Finance Director, advised with regards to the advance refunding of bonds, they are moving forward with the preliminary official statement. He said most likely within the next three weeks they would have a ratings call with Moody's and suggest strongly to them that they come out and take a tour of the City similar to five years ago in the hopes of getting a higher rating and he would keep Council informed.

#### AUDIENCE:

Bob Hill of 3590 Weston Drive said City Council does a great job and he wished Mr. Gasior a belated happy birthday.

Patricia Jankowski of 1409 Hollow Wood Lane stated she lives near the intersection of SR83 and Chester Road in the Pin Oak Preserve. She said she is talking to City Council on behalf of the HOA Board in her development and they have 90 homes in her neighborhood. She indicated that she has seen a couple of the Council members and Mayor Jensen in her development, but she felt some of them do not know anything about where she lives. Ms. Jankowski mentioned that the City was spending thousands of dollars to make the traffic pattern better in that area, but there is already a gas station, a restaurant, a doctor's office, a daycare and now her phone was ringing off the hook from neighbors because a car wash was being installed behind Perkins. She said she was trying to justify the apparent approval of this car wash that will add to the traffic. Ms. Jankowski asked if anyone had a clear head as to what is going on in that area. She stated the residents of that area were accustomed to not being able to get out between the hours of 4:30 p.m. and 6:00 p.m., but she was tired of justifying what City Council does. Ms. Jankowski thanked Mayor Jensen as the sign she requested was installed at the turn. She said she had to express her feelings tonight on the car wash and they all know she is interested in what goes on in the City and she was hoping everyone else was on top of it. She said City Council is the guardian of the City and she encouraged them to keep going at it in a better way. Ms. Jankowski wished Mr. Gasior a happy belated birthday.

Mr. Witherspoon asked if she was objecting to the car wash.

Ms. Jankowski said the people are objecting to it and the fact that it will be adding more traffic.

Mr. Witherspoon advised Ms. Jankowski should be well aware that if something is zoned for a particular purpose and the people who own the property come to the City to build something that fits within that zone, the City cannot deny it, with exceptions. He understands the traffic is very bad in that area and the traffic is bad near where he lives as well.

Ms. Jankowski agreed that traffic is a major problem within the City, and it is something the City continues to work on but said apparently spending thousands of dollars trying to alleviate a situation seems ludicrous to then add more things. She said people are calling her and they are up in arms and there is still not a light on the corners.

Mr. McBride agreed traffic is going to be bad unfortunately from the way the zoning was laid out years ago. He wondered if the City Engineer and the Administration could look into the situation as he knows in some cases, they can post signage and have the police enforce not blocking certain driveways or intersections. Mr. McBride said it would be nice to line something up so that

those living in that subdivision can get out with a traffic signal. He stated he did not know if that was feasible or at least have a “do not block the driveway” sign so people can get in and out of where she lives.

Ms. Jankowski stated she does not have the answer, but she was someone who is concerned, and she is answering to the people in her development and they are unhappy. She said that she keeps defending the City.

Mr. McBride suggested there should be a fine for motorists who disregard a right-in only and the City cannot install delineators everywhere.

Mr. Fischer advised something similar was done on Old Center Road with the sign that says not to block the road.

Ms. Jankowski reminded Council there are 90 homes in her development and they are voters of the City.

ADJOURN: 8:05 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. 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.