

**PUBLIC HEARING
MONDAY, FEBRUARY 11, 2019**

7:37 P.M. – Council President Craig Witherspoon apologized for the late start and opened the Public Hearing for Resolution No. R-4-19

**RESOLUTION NO. R-4-19 – A RESOLUTION TO APPROVE WITH MODIFICATION
THE RENEWAL APPLICATION MADE BY JOSEPHINE TADDEO, ET AL, CO-
TRUSTEES, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 37745
CHESTER ROAD, PERMANENT PARCEL NO. 10-04-00-009-000-123, CONSISTING
OF 60.43 ACRES, DESIGNATED AS BEING LOCATED WITHIN AN
AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY**

There being no comments, the Public Hearing for Resolution No. R-4-19 was closed at 7:38 p.m.

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 11, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:39 P.M.**

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

PRESENT

Council Members: 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 3rd Ward – Anthony Moore; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon, 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

**MINUTES OF THE MEETING OF THE FINANCE/SERVICE COMMITTEES OF COUNCIL
HELD TUESDAY, JANUARY 22, 2019**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Meeting of the Finance/Service Committees of Council held Tuesday, January 22, 2019, and to approve said minutes as published, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

MINUTES OF THE WORK SESSION OF COUNCIL HELD TUESDAY, JANUARY 22, 2019

A motion was made by Mr. Fischer and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Work Session of Council held Tuesday, January 22, 2019, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “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 28, 2019

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 28, 2019, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, FEBRUARY 4, 2019

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 Monday, February 4, 2019, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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.

ORDINANCE NO. 9-19 – AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS AGREEMENT BETWEEN THE BIG SHOW, LTD AND THE CITY ENTERED INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17

The Clerk read Ordinance No. 9-19 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS AGREEMENT BETWEEN THE BIG SHOW, LTD AND THE CITY ENTERED INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17 AND DECLARING AN EMERGENCY

The Chairman declared this to be the third of three readings of Ordinance No. 9-19.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Ordinance No. 9-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “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. 11-19 – TO AWARD THE BID FOR THE COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE GENERATED BY RESIDENTIAL UNITS, MUNICIPAL FACILITIES AND DURING SPECIAL EVENTS AT DESIGNATED FACILITIES AND TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT

The Clerk read Ordinance No. 11-19 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE COLLECTION,
TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF SOLID
WASTE, RECYCLABLE MATERIALS AND YARD WASTE GENERATED BY
RESIDENTIAL UNITS, MUNICIPAL FACILITIES AND DURING SPECIAL EVENTS
AT DESIGNATED FACILITIES AND TO AUTHORIZE THE MAYOR
TO ENTER INTO A CONTRACT**

The Chairman declared this to be the second of three readings of Ordinance No. 11-19.

Mr. Radcliffe asked for clarification that there is still time to accept this bid as is if Council so wishes when they get to that third reading.

Mr. Gasior asked Mr. Johnson of Kimble, who was present and was also in the committee meeting, if Council goes forward with the third reading on next Monday that it still allows enough time to mobilize and take care of business for an April 1st start date.

Mr. Johnson confirmed that to be the case.

ORDINANCE NO. 13-19 – AUTHORIZING THE DISPOSAL OF MUNICIPAL
PROPERTIES HAVING A VALUE OF LESS THAN \$10,000 (LIGHT POLES)

The Clerk read Ordinance No. 13-19 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTIES
HAVING A VALUE OF LESS THAN \$10,000 (LIGHT POLES)
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. 13-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “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. Moore to adopt Ordinance No. 13-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 14-19 – AUTHORIZING THE DISPOSAL OF MUNICIPAL
PROPERTIES HAVING A VALUE OF LESS THAN \$10,000 (ORION SE FIXED NETWORK
ENDPOINTS)

The Clerk read Ordinance No. 14-19 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTIES
HAVING A VALUE OF LESS THAN \$10,000 (ORION SE FIXED NETWORK
ENDPOINTS) 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. 14-19, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. 14-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. 15-19 – TO ACCEPT THE TENTATIVE AGREEMENT REACHED IN THE MATTER OF THE CITY AND TEAMSTERS LOCAL NO. 52, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, (BUILDING INSPECTORS) SERB CASE NO. 2018-MED-10-1144

The Clerk read Ordinance No. 15-19 by title only, entitled:

AN ORDINANCE TO ACCEPT THE TENTATIVE AGREEMENT REACHED IN THE MATTER OF THE CITY OF AVON AND TEAMSTERS LOCAL NO. 52, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, (BUILDING INSPECTORS) SERB CASE NO. 2018-MED-10-1144 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. 15-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “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. Moore to adopt Ordinance No. 15-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “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.

RESOLUTION NO. R-4-19 – TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT (JOSEPHINE TADDEO, ET AL, CO-TRUSTEES)

The Clerk read Resolution No. R-4-19 by title only, entitled:

A RESOLUTION TO APPROVE WITH MODIFICATION THE RENEWAL APPLICATION MADE BY JOSEPHINE TADDEO, ET AL, CO-TRUSTEES, TO HAVE CERTAIN LAND OWNED BY THEM LOCATED AT 37745 CHESTER ROAD,

**PERMANENT PARCEL NO. 10-04-00-009-000-123, CONSISTING OF 60.43 ACRES
DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Resolution No. R-4-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “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 Resolution No. R-4-19, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “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.

Mr. Fischer, At Large, said that, regarding the recent news of wrong way accidents, he knew ODOT has a pilot program with special signalization notifying motorists they are going the wrong way. He asked if this could be an opportunity where Avon could join in that program and have those signs installed here. He felt if it can increase safety for our residents or those traveling through it was worthwhile.

Mr. Cummins advised he would be happy to discuss that option with ODOT as he was going to the ODOT offices in the morning and he would bring that topic up with them and report back to Council.

Mr. Fischer stated they installed one in Cleveland and it has already alerted motorists a couple times and having two accidents in Avon in such a short period of time he felt it was worth a try if ODOT is looking for cities to participate in a pilot program.

Mrs. Holtzmeier, At Large, advised looking ahead to next week as there is an Economic Development Committee scheduled next week to show the “All About Avon” website and she asked if that is still on schedule to unveil.

Ms. Fechter confirmed they were ready and said that Ms. Seroka, consultant, would be here to show everyone the site. She advised the site will not be live to the public just yet but will be accessible to the employees including Council to look over and provide any input. Ms. Fechter stated she hoped the site would be live to the public the first week in March.

Mrs. Holtzmeier stated if there would be matters that transpire this week that would perhaps cause the Finance Committee the need to meet, she was amenable to moving the Economic Development Committee meeting to the Council Chambers and/or begin at 7:30 p.m. if necessary according to however the schedule works itself out.

Mr. McBride, Ward 2, advised the local home builders are using the City’s public right of way to advertise their businesses, in particular those with homes not being built in Avon, and he

reminded everyone this is not allowed. He felt a hefty fine should be considered to curb this activity.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, Council President, 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, had no comments.

Mr. Logan, Finance Director, had no comments.

AUDIENCE:

Don Johnson of LaGrange, an employee of Kimble Recycling & Disposal out of Dover, Ohio, advised for almost the last month they have been meeting with City Council. He said that last fall the City decided for the best interest of the residents to go out for bid through the Lorain County Consortium. Mr. Johnson stated there were pre-bid meetings with the participating haulers and questions were asked about the bid specifications and the bid specs were written up by Attorney Meagan Moore with good knowledge of putting bid specs together for the Lorain County Consortium. He said that each of the haulers had opportunity to express their thoughts on the bid specifications, questions were answered, and the bid results came out on December 14, 2018. Mr. Johnson explained from that bid, the incumbent for Avon, Republic Services, bid \$26 per month for solid waste collection with a 96-gallon cart and a 64-gallon recycling cart. He continued by saying as part of the bid it was stated that yard waste was to be a part of it especially for the communities in Avon and Avon Lake and Republic Services bid \$26 per month and they put a NO BID for yard waste collection. Mr. Johnson added that Rumpke also submitted a bid, but their rate was rather high and Kimble submitted the lowest and best rate and their rate was \$24.37 per month. He said on January 22nd he met with the Finance and Service Committees and gave a presentation on Kimble and supplied information prior to that meeting and the Committee overwhelmingly, unanimously voted to enter into legislation to enter into a contract with Kimble. Mr. Johnson advised to meet the time frame for starting the contract, a Special Meeting of Council was called for February 4th and then at that meeting it was determined that there would not be a second reading that night because the incumbent, Republic Services, who bid higher for the consortium and did not bid on yard waste, wanted to come back and negotiate with the City. He stated Republic has come back to the City with an offer and Council had second reading tonight of the legislation to enter into an agreement with Kimble, but he gets the sense that the opportunity for Kimble to provide services through the bid to the consortium is slipping away. Mr. Johnson asked Council to consider very strongly to allow the bid to stand with the consortium. He said the bid documents have information in them that protect the community of Avon to ensure that the contractor provides good service and that is the

benefit. Mr. Johnson added that the residents will pay a little bit more for service, but the City will get the protection for the residents through the contract documents and bid specifications that the service provider would have to perform. He thanked Council for their time in previous meetings and allowing him to address them tonight.

Mayor Jensen asked if Kimble would adjust their price if the schools could not be a part.

Mr. Johnson advised they could look at it. He advised he is not an attorney and the way the bid specifications were put out is that each community could elect to either be a part of participating with the contractor to negotiate into a contract. Mr. Johnson stated that because the school service was listed as Exhibit E in the bid, if it is something that is not going to be provided, he could not say that legally they could take that out of the bid, but there is the potential that could happen.

Mr. Butkowski inquired should Council decide to reject the consortium bid would Kimble respond with a proposal/bid for services within the City of Avon.

Mr. Johnson advised Kimble is in business to look at all business opportunities for the growth of their company. He said they look at all bid potentials out there, but whether they participate or not he could not answer that this evening. He stated they would have to see what the bid specifications look like and see what the services are and they would have to look at the level playing field of how the bid specifications are put together to potentially participate.

Mariann Reitz of 36325 Montrose Way stated as a resident of the City she does not care who picks up her garbage or who the City contracts with to do that, but the City contracts that for her and they negotiate for her and the residents of Avon. She said she was here to ask a couple things, one is that she would like that if she has yard waste that it not go to landfills, that pursuant to the Ohio Revised Code it goes to a place where it could be composted. Ms. Reitz stated secondly, that because long term contracts were better than short-term, she felt she would get a better deal if she can budget and know what her costs are going to be rather than having a one-year "understanding". She asked that this Council consider both of those requests in whoever they choose.

ADJOURN: 7:59 p.m.

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

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