

**MINUTES OF THE WORK SESSION OF THE COUNCIL OF THE
CITY OF AVON, OHIO HELD MONDAY, FEBRUARY 18, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 7:30 P.M.**

**CHAIRMAN, CRAIG WITHERSPOON, CALLED THE MEETING TO ORDER
FOLLOWED BY THE PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP 462**

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

The following items were considered in this Work Session:

ANNOUNCEMENT: It was announced that Sprenger Stadium in Avon would be hosting the AVON HOT SUMMER NIGHTS COUNTRY MUSIC FESTIVAL featuring Old Dominion with Lee Brice, Colt Ford, Walker Hayes, Paulina Jayne and Brandon Lay on Friday, July 5, 2019.

Sheri Seroka, consultant, stated that this announcement all goes live tomorrow at 11:00 am on WGAR and tickets are available for purchase on Friday, February 22, 2019. She advised it will be an all-day music festival at the stadium from 2:00 pm to 10:00 pm. Ms. Seroka explained it would be held in the true fashion of a music festival with food trucks and lots of activities. She said they anticipate about 17,000 people for the event and she was doing some grassroots efforts on behalf of the City reaching out to the hotels, restaurants and the like and she hoped there would be different packages made available for concert goers. It should bring quite a bit of business and she added that when Put-In-Bay has an event with 17,000 people attending it was an injection of approximately \$7 million dollars into the local economy. Ms. Seroka stated they would be doing everything they could to keep the light shining bright on the Avon businesses.

1. [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 Finance/Service Committee Referral
Third of Three Readings at Special Meeting Following the Work Session

Mr. Gasior advised they could discuss this further in item #7 – Ordinance No. 21-19.

2. [ORDINANCE NO. 16-19](#) – APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; Mr. Gasior

Mr. Gasior advised this is a semi-annual update where Council approves the codification of our code He said there are changes to the Code obviously made by this Council and they are listed in Section One. Mr. Gasior explained that the area that Section Two covers is where the State Legislature will make changes to various sections to the Ohio Revised Code usually regarding traffic or general offenses. He stated when those changes are made to the ORC in the Traffic or General Offenses section, they are usually adopted by this Council wholesale. Mr. Gasior advised it was brought to his attention by Sargent Ruple asking him to consider not adopting the change that the State proposes for our Codified Ordinance Section 43211, which deals with U-Turns. He said what the State did was remove a subsection that was a general section that dealt with noone being allowed to make a U-Turn within a certain number of feet of an intersection. Mr. Gasior stated that Sgt.

Ruple would like to see that section remain in our Code and not be eliminated. He said he would recommend that Council adopt Ordinance No. 16-19, but with the one exception in 43211. Mr. Gasior stated that Sgt. Ruple feels it is important to keep that subsection d in our Avon Code. He said he would try to send out to Council this week the difference and it could be acted on next Monday.

3. ORDINANCE NO. 17-19 – REAPPROPRIATIONS

Mr. Logan

Mr. Logan advised a couple items that were not in the original budget that have come up.

Special Revenue Fund -They would like to appropriate \$36,000 for a 5400 sf fabricated building to be used for salt storage. Also appropriate \$30,000 for new court software for more efficient and ease of use.

Capital Project Fund – They would like to appropriate \$5,000 for project closing expenses associated with the Applewood, Candlewood, etc. re-surfacing project. Also appropriate \$10,000 for final amount due to the City of North Ridgeville for Avon’s share of the cost of the roundabout project.

Total Re-appropriations all funds \$81,000.00

4. ORDINANCE NO. 18-19 – TO AWARD A CONSTRUCTION CONTRACT FROM THE PUBLIC BIDS RECEIVED FOR THE CONSTRUCTION OF A VETERANS MEMORIAL AT THE DETROIT ROAD MUNICIPAL COMPLEX (aka AQUATIC FACILITY)

Mr. Cummins

Mr. Cummins advised this is the Veterans Memorial Project adjacent to the Aquatic Facility. They opened public bids on February 7, 2019 and received two bids. He said the lowest of those bids was Perk Company, Inc. out of Cleveland. Their references have been checked as well as the bid specifications that were submitted and everything was found to be in order. Mr. Cummins stated the bid cost is just under 10% over the engineer’s estimate and in his view that is a valid bid. He recommends approval of the base bid with Alternate 1, which is construction of the masonry arch at the entrance of the memorial. Mr. Cummins stated he does not recommend approval of Alternate 2, which is the fine grading and seeding, because in talking with the Mayor and the Service Department they felt that could be done by local forces or taken care of separately.

Mrs. Holtzmeier asked if Perk Company is a new vendor to the City. Mr. Cummins answered yes, they have not bid on anything in the 4+ years that he has been employed here. Mrs. Holtzmeier inquired if the bid specs or the requirements call for completion before Memorial Day. Mr. Cummins advised that the timeline that was specified in the bids has completion right at Memorial Day. Mrs. Holtzmeier asked regarding the Alternate 2 bid, if that work specified would also be put in place by Memorial Day. Mr. Cummins stated that could go either way as it will be handled separately, but he believes the thought is to have it completed by that time, but it will be addressed separately as we get into the springtime. Mrs. Holtzmeier stated it is such a nice project that to have it done by Memorial Day would be advantageous for everyone.

Mr. Gasior advised Mr. Cummins did a very good job of preparing this Ordinance. He typically writes the legislation, but Mr. Cummins was so close to the project that he did the whereas clauses and he did a very good job of explaining the significance of the memorial and why it is important to the City that we get this done.

5. ORDINANCE NO. 19-19 – TO AMEND SECTION 210.01(e)(6A) OF THE CODIFIED ORDINANCES OF THE CITY WITH REGARD TO FEES FOR USE OF PARK FIELDS

Mr. Gasior

Mr. Gasior advised this section deals with our park fees. Council could see there are several categories of park users and a different fee associated with whoever the user might be. He said the entire section is being stricken and the only thing that will be left is the reference to 6A Park Facilities and it will say SEE SECTION 1064.03. Mr. Gasior stated this change is for the sake of simplicity for the next time park fees will need to be amended and in this way the park fees and rules will all be in Chapter 1064 of the Code. He indicated that the next Ordinance No. 20-19 amends Chapter 1064.

6. ORDINANCE NO. 20-19 – TO AMEND CHAPTER 1064 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE FEES FOR USE OF PARK FIELDS

Mr. Gasior

Mr. Gasior explained that the Exhibit A is the new rewrite of Chapter 1064 and they have to strike some references to the Parks and Recreation Commission because it no longer exists under the Charter and the Board of Park Commissioners is also an entity that no longer exists. He advised throughout the document references to either the Recreation Commission or the Parks Director have been deleted and replaced with Recreation Coordinator. Mr. Gasior stated as they read on in the Exhibit it references that permit forms are adopted by the Office of the Recreation Coordinator and are deemed valid under the Coordinators' authority and failure to comply with permit requirements are punishable under that section. He said that now, with the new Recreation Coordinator, the City has applications for permits that will be issued and those permits will identify things in this Chapter as far as park rules and regulations and this ensures that people who use the park secure a park permit and understand their responsibility to abide by the rules as stated on the park permit. He stated that lastly, but most importantly the rental rates for use of the baseball fields for various groups, from youth to adult, for residents and non-residents are updated. Mr. Gasior noted the rate is \$25 a game for resident youth and adult groups and not \$35. He mentioned there are also rental rates for the multi-use fields (soccer, lacrosse, football) and in order to determine whether each group is paying the correct fee they clarified in this Chapter that rosters will be required to verify the percentage of residents versus non-residents as that is how the fee is determined; 80% of the roster of the group must be Avon residents to receive the resident rate. Mr. Gasior advised they also wanted to make it clear that residents of Avon can use the parks during park hours without charge if a group has not reserved the space (pavilion, ballfield, etc.) for a specific date and time by a permit. He believed that the Recreation Coordinator is trying to use the same terminology in the forms for the Recreation Department that is being used in the legislation and the fees and rules and regulations are made clear. Mr. Gasior asked Council to let him or the Recreation Coordinator know if they see any issues with the proposed changes. He believed in March there would be some proposed changes to the Avon Isle and Lion's Community Center rental.

Mayor Jensen advised in discussing this with the Recreation Coordinator it was not so much that they were making changes as that the decision was not left up to her discretion but was clearly spelled out in the Codified Ordinances alleviating some anxiety for her. He said that Council controls all the money and with more premier teams coming from outside the City they wanted to make sure that the Avon residents have the best opportunity to use the fields. Mayor Jensen indicated Council would see more things brought before them from the Parks and Recreation Department, so it is clear to everyone the rules and associated fees.

7. [ORDINANCE NO. 21-19 – TO ABANDON THE JOINT BID PROCESS AND REJECT ALL BIDS SUBMITTED TO THE LORAIN COUNTY SOLID WASTE CONSORTIUM FOR THE COLLECTION OF SOLID WASTE, RECYCLABLES AND YARD WASTE](#) Referral from Finance Committee
First of Three Readings at the Special Meeting Following the Work Session

No comments.

8. [ORDINANCE NO. 22-19 - TO AUTHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH REPUBLIC SERVICES, INC. FOR THE COLLECTION OF SOLID WASTE, RECYCLABLES, YARD WASTE AND BULK MATERIAL FROM RESIDENTS IN THE CITY OF AVON BEGINNING MAY 1, 2019 THROUGH APRIL 30, 2024](#) Mayor Jensen
First of Three Readings at the Special Meeting Following the Work Session

Mr. Gasior noted the emergency clause is in the legislation indicating if Council wished to suspend the rules and adopt tonight at the Special Meeting they could do so.

REPORTS AND COMMENTS

MAYOR JENSEN had no comments.

COUNCIL MEMBERS:

MR. BUTKOWSKI, WARD 1 had no comments.

MR. FISCHER, AT LARGE wished Mr. Radcliffe a Happy Birthday!

MRS. HOLTZMEIER, AT LARGE commented that the All About Avon website looks fantastic. She said she could clearly see how potential residents would find it useful as a tool to find out more about a City they might want to make their greatest investment in and she felt that was a dual purpose. Mrs. Holtzmeier advised when you start from nothing and go to something that they have built is a good thing.

Mrs. Holtzmeier stated the summer music festival on July 5th is also great news, but as soon as this is announced, the first question from residents is going to be when the fireworks will be held.

Mayor Jensen advised fireworks are going to be on July 3rd. He said there would be time-lapse photography of the stage being laid down on July 4th, after the stadium hosts their fireworks, setting up for the music festival.

Mrs. Holtzmeier said it is going to be a good few days in Avon.

MR. MCBRIDE, WARD 2 had no comments.

MR. MOORE, WARD 3 had no comments.

MR. RADCLIFFE, WARD 4 said he wanted to echo the comments for the new website and the concerts were great for the City and he is very excited about both.

MR. WITHERSPOON, 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 had no comments.

MR. LOGAN, FINANCE DIRECTOR had no comments.

AUDIENCE:

There were no comments from the audience.

9. EXECUTIVE SESSION: 7:58 PM

A motion was made by Mr. McBride and seconded by Mr. Butkowski to Enter Into Executive Session for the Purpose of Discussing the Sale of Real Property and invite Mayor Jensen, Law Director Gasior, Finance Director Logan 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.

10. RECONVENE: 8:18 PM

A motion was made by Mr. Butkowski and seconded by Mr. Fischer to Reconvene the Work Session 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.

11. ADJOURN: 8:19 PM

There being no further business the Work Session of Council was adjourned

PASSED: _____

SIGNED BY: _____

Craig Witherspoon, Council President

ATTEST: _____

Barbara Brooks, Clerk of Council