

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 18, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
IMMEDIATELY FOLLOWING THE WORK SESSION
8:19 p.m.**

The Chairman, Council President Craig Witherspoon, called the meeting to order immediately following the Work Session 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; Mayor - Bryan Jensen; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

ABSENT

City Engineer – Ryan Cummins; Service Director – Michael Farmer; Planning and Economic Development Coordinator – Pam Fechter

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, RECYCLABLE MATERIALS AND YARD WASTE

The Clerk read Ordinance No. 21-19 by title only, entitled:

AN ORDINANCE TO ABANDON THE JOINT BID PROCESS AND REJECT ALL BIDS SUBMITTED TO THE LORAIN COUNTY SOLID WASTE & RECYCLABLES COLLECTION CONSORTIUM FOR THE COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF SOLID WASTE, RECYCLABLE MATERIALS AND YARD WASTE GENERATED BY AVON RESIDENTIAL UNITS, MUNICIPAL FACILITIES AND DURING SPECIAL EVENTS AT DESIGNATED FACILITIES 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. 21-19, 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.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 21-19, 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.

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

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 third of three readings of Ordinance No. 11-19

Mr. Gasior advised Council that this would be a motion to either adopt or defeat Ordinance No. 11-19 but based on the action they took on the previous legislation, with Ordinance No. 21-19, that a motion to defeat Ordinance No. 11-19 would be in order.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to DEFEAT Ordinance No. 11-19, 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.

ORDINANCE NO. 22-19 – TO AUHORIZE THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH REPUBLIC SERVICES, INC. FOR THE COLLECTION OF A SOLID WASTE, RECYCLABLES, YARD WASTE AND BULK MATERIAL FROM RESIDENTS IN THE CITY OF AVON BEGINNING MAY 1, 2019 THROUGH APRIL 30, 2024

The Clerk read Ordinance No. 22-19 by title only, entitled:

AN ORDINANCE 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 FOR THE PERIOD MAY 1, 2019 THROUGH APRIL 30, 2024 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. 22-19, 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.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 22-19, and the discussion was:

Mr. Butkowski stated he wanted to review from the financial perspective what this MOU will mean to the residents of the City of Avon. He said the overall rates will be less than what residents currently are paying and will be held through this five-year MOU. Mr. Butkowski advised the schools will benefit to the tune of approximately \$120,000 savings for the pickup of their waste. He said over this five-year period the combined cost for residents will save almost \$165,000 in their solid waste costs and the City will save \$927,400 over that five-year period for a grand total of \$1.1 million in savings over this five-year period. He wanted to explain everything that Council had to take into consideration when they awarded an agreement and he felt that \$1.1 million in savings over a five-year period is quite significant.

Mrs. Holtzmeier advised in conjunction with the financial savings the MOU touches upon some of the service concerns that our residents had. She said having the collection date moved from a Friday to a Monday is a positive development for residents as it allows them throughout the work week to be serviced if they are missed and to accommodate for a more flexible schedule and to have their waste taken away after a weekend worth of collecting it. Mrs. Holtzmeier noted there were other points in the agreement that address some of the concerns residents had regarding service as well.

Mr. Witherspoon opened the floor for comments from the audience on this matter.

Ms. Pat Jankowski of Hollow Wood Lane said she appreciates what Council is doing. She said everyone had their real estate taxes increased and hers went up \$55 a month, which is a lot, and the fact they can go down a couple dollars in their trash bill is appreciated and she thanked everyone for their concern and intelligent decisions.

Don Johnson of LaGrange and an employee of Kimble Companies said he had a good opportunity to meet some of the City officials over the last month or so and he just wanted to thank all of them who have given him their time to allow them to learn a little bit more about Kimble and how they provide service. He knew they had a decision to make and he said they went at it pretty hard. Mr. Johnson congratulated them and said that Kimble hopes to be around for awhile and five years goes by quick and he hoped at some point down the road they would get a call or an email that they are soliciting to get different rates for service. He thanked them for giving him some of their time and he appreciated it and he wished everyone good luck.

Brian Parsons, 4253 St. Francis Court congratulated the City on a nice job and he said he liked the way this came out, but he has two minor concerns. He said one concern is about yard waste. He sat on the Lorain County Solid Waste Policy Committee for some time and one of the key efforts that he was involved in was increasing recycling and making sure that the life of the landfill is something that is considered. Mr. Parsons advised there is only one landfill in Lorain County and it is a very important, very valuable resource. He appreciates that the City of Avon was one of the first municipalities to accept the cart system and it immediately affected in an extremely positive way as the recycling rates went up the first year around 366%. Mr. Parsons said yard waste does continue to be a concern and during the summer especially it is a very high percentage of waste; he believed it was as much as half of the solid waste collected. He stated he does not believe that currently there is a way for Republic Services to dispose properly of that yard waste. Mr. Parsons requested that Council and the City Administration keep discussing with Republic Services about

that issue. Mr. Parsons stated he emailed a rule from the Ohio EPA to the Clerk (Clerk's note – the email was forwarded to all of Council prior to this meeting) that clearly states what can and cannot be put into the landfill and he encouraged the City to work closely with Republic to make sure they dispose of that legally by either building their own Class IV site or contract with someone so it does not get disposed in the landfill. Secondly, he said that he feels this was a very worthy effort they took on and although the consortium did not work out this time, they paid to join the consortium and he would encourage them to stay involved with the consortium. Mr. Parsons advised the five-year MOU with Republic is great for the residents and he suggested they stay informed with the consortium and perhaps it would go another way in the future and other than that he said they did a nice job.

Joe Reitz, 36325 Montrose Way advised he is here as a resident of Avon and one of his concerns as a resident is yard waste and how that is going to be handled with this contract no matter who the hauler is. He said his wife is a huge gardener and they have a lot of yard waste that gets put out. Where it gets hauled to over the life of this contract is up to Council as the legislators to make sure they represent the residents of the City by making sure it goes to the proper location. Mr. Reitz said in looking through the MOU he noticed in there is specific language that references no increase in the bulk pickup and no increase in yard waste collection, but yet on Exhibit A there is a notice in bold that states a sixty-day notice to Council prior to any increase in rates. He stated he did not know if that is the 3.5% increase within that five-year term or if it was something else. Mr. Reitz stated he read where there are specific dollar amounts listed in the MOU for the different size carts, which he felt was good. He asked Council to consider how they represent the residents as far as the yard waste is concerned as that is a big issue. Mr. Reitz thanked Council for their time and consideration.

Mr. Gasior asked Mr. Kidder of Republic Services to clarify the clause regarding the government increases as that was an issue that was addressed. He said the Exhibit A to the MOU calls for no increases except for the 3.5%, but there are certain governmental pass throughs that may end up having to happen and with that sixty-day notice they would be discussed with Council beforehand.

Dave Kidder of Republic Services advised for example Republic Services pays the Lorain County Solid Waste District \$2 per ton for all trash that goes into that landfill to support the Solid Waste District, which is millions of dollars each year. He said when grants are going out to all the communities, it is coming out of those fees. Mr. Kidder advised currently the \$2 fee is at the maximum level that the State allows, and he is not expecting it to go up. He said the other fee that he would mention is that Republic Services pays the State of Ohio EPA \$4.75 per ton for every ton of trash that goes into that landfill and the current rate at \$4.75 is all included and that \$4.75 has been in place for many years. Mr. Kidder stated if that \$4.75 were to increase by \$.25 a ton, it might mean a \$.03 per household increase per month on total tons generated. He said other than that, there are no other increases anticipated and with regards to the \$2 Lorain County fee it has been in place for 20 years and they are not anticipating that being increased.

Mr. Gasior felt the sixty-day notice of that is important because there are costs, and this is a five-year agreement. He advised the agreement states there will be no fuel surcharges through that period of time and that is important because that was one of the bigger items that came about over the last several years. Mr. Gasior advised when we get to governmental "pass throughs" it is good to have the notice and it is good to know what that will mean for the resident and it may even give the City an opportunity to try and negotiate something and lessen the blow in some way. He said it is something they may be able to adjust in the years left on the MOU.

Mr. Kidder advised it is something they would anticipate coming to Council beforehand.

Mr. Butkowski clarified that there is not only not a fuel surcharge increase for that five-year period, but there no increase in recycling or yard waste collection. He said if they remember we got to this point because of that recycling increase that hit the City of Avon and this MOU is stating there will be no more surcharge increases for fuel, no more recycling increases and no yard waste increases over the next five years.

Mr. Kidder stated that is absolutely correct.

Mr. Gasior stated with regards to these governmental pass throughs, if the government raises their fees, it could be as insubstantial as a couple of cents per month. He clarified that the City would be given that notice and they felt it would be better received that the City notify the residents that there may be an increase and the reason behind it and then everyone knows it is coming and it is a lot better. Mr. Gasior advised there was a serious lapse in that type of communication in the past year, which led to all of the things that transpired in the last six months.

Mr. Kidder said lesson learned and that he greatly appreciates Council's consideration of their proposal.

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.

ADJOURN: 8:37 p.m.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adjourn the Special Meeting of Council, 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.