

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, FEBRUARY 25, 2019  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
AT 7:30 P.M.**

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

**PRESENTATION REGARDING A BENCH TO BE PLACED IN EVERY CHILD'S PLAYGROUND IN MEMORY OF CAMEREN DYAS**

Mayor Jensen advised two years ago the City undertook the Super Heroes campaign and brought children, who were going through some difficult times, to the City of Avon for a day of fun. He said at that time there was a special child who was going to attend the event and that was Cameren, but he got sick the day before the event, but they never forgot him. Mayor Jensen indicated today it is his privilege and honor to dedicate this bench that will be placed at Every Child's Playground in Cameren's memory. He welcomed some Superheroes that were invited tonight for this presentation: Batman and founder of Super Heroes to Kids in Ohio, Brian Chulik; Deadpool, Josh Meeboer; Spider Girl, Stephanie Karasevich; Wonder Woman, Cassie Cool, and helper, Tania Young-Spataro of the Super Heroes to Kids in Ohio, a nonprofit organization that helps kids.

Founder Brian Chulik, dressed as Batman, said on behalf of Super Heroes to Kids in Ohio thank you Mayor Jensen, Ms. Pam Fechter and the entire City for giving them a venue to help kids going through illness and adversity. He advised not only has the City given them the venue and their full undivided support for the last two years, but they have gone above and beyond to remember a fallen hero, Cameren.

Stephanie Karasevich, dressed as Spider Girl, presented Mayor Jensen with a Batman shirt and said they appreciated everything he does.

Josh Meeboer, dressed as Deadpool, said that he knew Cameren for well over a year and they would hang out and participate in parades and watch movies together. He stated that Cameren was a really cool kid and they grew close to each other and this is a special moment for him as well as the rest of the group as they all loved Cameren and he will always have a special place in their hearts. Mr. Meeboer presented Cameren's mother, Jennifer Whitesel, with a miniature replica of the bench that will be placed at the playground and would help his memory to live on forever.

Ms. Christine Daniels, Cameren's aunt, read a statement on behalf of Cameren's mother and the rest of the family thanking the City for the beautiful memorial bench. She thanked Mayor Jensen and Ms. Fechter for all their hard work and dedication to make all this possible. Ms. Daniels said they have made a way to keep Cameren's spirit alive in this beautiful City of Avon. She thanked Mr. Chulik and all the Super Heroes to Kids in Ohio for putting a smile on Cameren's face from the first day he met them all. They helped to encourage him to fight and gave him so many opportunities to forget all about his difficult journey, from going to the movies, coming to his birthday parties and hanging out at their house and filling the room with superheroes. Ms. Daniels, on behalf of Ms. Whitesal, thanked Mr. Meeboer, aka Deadpool, for seeing Cameren's heart, as his friendship and over-generous, compassionate self is amazing. She thanked him for always taking care of her boy. She thanked everyone for everything saying it means so much to the family and she knows that Cameren is smiling.

Mayor Jensen said this presentation is all made possible because Council allows him to do these kinds of things and he invited Council and the Dyas family to pose for photographs.

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 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 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 SAFETY/LEGAL COMMITTEES OF COUNCIL HELD MONDAY, JANUARY 28, 2019

A motion was made by Mr. Radcliffe and seconded by Mr. Fischer to dispense with the reading of the minutes of the Meeting of the Safety/Legal Committees of Council held Monday, January 28, 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 MONDAY, FEBRUARY 4, 2019

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, February 4, 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 MEETING OF THE FINANCE COMMITTEE OF COUNCIL HELD MONDAY, FEBRUARY 11, 2019

A motion was made by Mr. McBride and seconded by Mr. Moore to dispense with the reading of the minutes of the Meeting of the Finance Committee of Council held Monday, February 11, 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 REGULAR MEETING OF COUNCIL HELD MONDAY, FEBRUARY 11, 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, February 11, 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.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, FEBRUARY 18, 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 18, 2019, and to approve said minutes as published, 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. 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

The Clerk read Ordinance No. 16-19 by title only, entitled:

**AN ORDINANCE 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 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. 16-19, 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 Ordinance No. 16-19, 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. 17-19 – REAPPROPRIATIONS

The Clerk read Ordinance No. 17-19 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS  
ORDINANCE NO. 93-18 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. 17-19, 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. Moore to adopt Ordinance No. 17-19, and the discussion was:

Mr. Logan pointed out that two items were added to this legislation since last week. He explained that under Capital Project Funds; Capital Improvement Fund to appropriate and transfer \$75,000 to the Veterans Memorial Project Fund to ensure enough funds to complete the entire project. Mr. Logan noted there will be a \$200,000 grant through ODNR for this project, but they have not submitted any requests for reimbursement yet and these appropriated funds are to get the project going with the awarding of the bid. He said once the project is well underway, they will seek reimbursement through ODNR. Secondly, he advised under Recreation Lane Improvements Fund to appropriate \$12,000 to be used toward the final payment of \$18,020.50 for Freeman Building Systems, the General Contractor for T3, to complete the City's commitment per Ordinance No. 83-16.

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. 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)

The Clerk read Ordinance No. 18-19 by title only, entitled:

**AN ORDINANCE 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) AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Ordinance No. 18-19, 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. Butkowski to adopt Ordinance No. 18-19, 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. 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

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

**AN ORDINANCE TO AMEND SECTION 210.01(e)(6A) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON WITH REGARD TO FEES FOR USE OF PARK FIELDS 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. 19-19, 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. Fischer to adopt Ordinance No. 19-19, and the discussion was:

Mrs. Holtzmeier asked for some clarification that if there is an existing reservation already in the system for an event/activity for later in the year as to how the fees apply in that kind of situation.

Mayor Jensen advised that whatever is already in the system will be at the old rate and the new rate will be for anything reserved going forward.

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. 20-19 – TO AMEND CHAPTER 1064 OF THE CODIFIED ORDINANCES OF THE CITY TO INCREASE FEES FOR USE OF PARK FIELDS

The Clerk read Ordinance No. 20-19 by title only, entitled:

**AN ORDINANCE TO AMEND CHAPTER 1064 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE FEES FOR USE OF PARK FIELDS 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. 20-19, 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. Radcliffe to adopt Ordinance No. 20-19, and the discussion was:

Mayor Jensen further clarified that anything that is close to whatever sport season is getting started and is too late to notify teams of these new rates because recruiting is already in progress or schedules are already set, the City will wait until the following season to charge the new rate for that sport.

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. 23-19 – AUTHORIZING THE MAYOR TO ENTER INTO THE “FIRST AMENDMENT TO LEASE” BETWEEN THE CITY OF AVON AND BLUE DOG BASEBALL, LLC

The Clerk read Ordinance No. 23-19 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO THE “FIRST AMENDMENT TO LEASE” BETWEEN THE CITY OF AVON AND BLUE DOG BASEBALL, LLC 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. 23-19, 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. 23-19, and the discussion was:

Mr. Radcliffe asked for clarification that this agreement also pertains to the schools and that the School Superintendent in agreement.

Mayor Jensen advised there were a couple emails sent back and forth with Mr. Laub, Superintendent and Mr. Kramig kindly answered those questions right away. He said Mr. Laub and the rest of the school system is going to be very happy with this agreement. Mayor Jensen explained there would be a forthcoming statement from all three entities once Council passes this legislation authorizing the agreement to thank Mr. Kramig and Blue Dog Baseball for helping bring us all together and he believes everyone will be very happy.

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.

REPORTS AND COMMENTS

Mayor Jensen clarified his statement at the last meeting regarding fireworks at the stadium in July. He said the fireworks for the City is going to be held on July 3<sup>rd</sup> at Sprenger Stadium and that will allow the City staff that helps to enjoy the holiday on the 4<sup>th</sup> with their families. Mayor Jensen advised that Blue Dog Baseball is doing fireworks on both July 3<sup>rd</sup> and July 4<sup>th</sup> and the City will be partnering on the 3<sup>rd</sup> and there is the music festival being held on the 5<sup>th</sup> and it will be a hectic three days. He noted that Avon Lake will be holding their fireworks on the 4<sup>th</sup>.

Mayor Jensen thanked High Tech Corporation, who designed the memorial bench. He gives a few ideas to Mr. Hill, of High Tech Corp and a member of the Avon Lion’s Club and he and takes those ideas and comes with designs that far exceeded his expectations. Mayor Jensen said it meant a lot to the Dyas family and he thanked Mr. Hill for everything he does for the City as he always goes above and beyond. Mayor Jensen advised there are other specially designed benches to be placed throughout the park and as well.

COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, thanked Mr. Hill for his work and he said his benches are incredible and this one is very special, and Avon is lucky to have him.

Mrs. Holtzmeier, At Large, thanked Mr. Hill for his work on the bench.

Mr. McBride, Ward 2, felt we needed a bench thanking Mr. Hill and High Tech Corporation.

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, advised last Friday he asked the Clerk to distribute a draft letter to City Council making preparations to move forward with the Briar Lakes pump station removal project. He said they would like to have a public open forum to get details of that project out to those property owners. Mr. Cummins stated the project will be partially assessed and they hoped to provide some idea as to the potential assessment to those affected property owners as well. He said the Resolution of Necessity has been drafted and it may come before Council shortly as well and if there is no objection from Council to either the letter or the date of the proposed meeting, he would like to get it sent out this week and get this project moving.

Mr. Butkowski asked with regards to the letter as to engineer's overall estimate for that project. Mr. Cummins answered that the sanitary portion is right around \$1 million.

Mr. Farmer, Service Director, had no comments.

Ms. Fechter, Economic Development/Planning Coordinator, thanked Mr. Hill for the bench design and said they could not have had the presentation tonight without it. She said that she is grateful to work for a City that takes such heart, in not only the day to day activities, but also to those that come into our lives and touch it and she is glad to be a part.

Mr. Gasior, Law Director, thanked Mr. Hill for the bench.

Mr. Logan, Finance Director, had no comments.

AUDIENCE: There were no comments from the audience.

ADJOURN: 7:59 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. 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.