

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 20, 2019
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
IMMEDIATELY FOLLOWING THE WORK SESSION OF COUNCIL
8:35 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; 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

ORDINANCE NO. 47-19 – TO AWARD A BID PURSUANT TO ORC 735.051 TO CONSTRUCT/REPAIR THE FRENCH CREEK RETAINING WALL ON JAYCOX ROAD

The Clerk read Ordinance No. 47-19-19 by title only, entitled:

**AN ORDINANCE TO AWARD A BID PURSUANT TO OHIO REVISED CODE 735.051
TO CONSTRUCT/REPAIR THE FRENCH CREEK
RETAINING WALL ON JAYCOX ROAD
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. 47-19, 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. Moore to adopt Ordinance No. 47-19, and the discussion was: Mr. Gasior advised for the record the Fund account from which this project will be paid is the Stormwater Utility Fund No. 633 and that is what Council is voting on.

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.

RESOLUTION NO. R-14-19 – DECLARING THE NECESSITY OF CONSTRUCTING CONCRETE SIDEWALKS FOR THE 2019 SIDEWALK PROGRAM

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

**A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING
CONCRETE SIDEWALKS FOR THE 2019 SIDEWALK PROGRAM
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-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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-14-19, and the discussion was: Mr. Gasior reflected that the change that was made during the Work Session discussion is the date in Section 3, which will now be August 15, 2019 and that is what Council is voting on tonight.

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.

**RESOLUTION NO. R-15-19 – TO ADVERTISE FOR BIDS FOR THE BRIAR LAKES PUMP
STATION ABANDONMENT PROJECT**

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

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE BRIAR LAKES
PUMP STATION ABANDONMENT PROJECT
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-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.

A motion was made by Mr. McBride and seconded by Mr. Moore to adopt Resolution No. R-15-19, 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.

EXECUTIVE SESSION: 8:40 p.m.

Mr. Gasior requested Council to add Pending Litigation to the Purpose for Entering Into Executive Session. He advised something was made known to him that day in a conference he had with outside Counsel and he would like to discuss that with City Council in Executive Session.

A motion was made by Mr. McBride and seconded by Mr. Moore to Enter Into Executive Session for the Purpose of Discussing the Purchase of Real Estate and Pending Litigation, and invite the Mayor, Mr. Gasior and Mr. 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.

RECONVENE: 9:00 p.m.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to Reconvene the Special 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.

ADJOURN: 9:01 p.m.

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