

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD TUESDAY, MAY 26, 2020
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
AT 8:00 P.M.**

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

PRESENT

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

ABSENT

Duane Streator, Safety Director

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. Witherspoon and seconded by Mr. Radcliffe to amend the agenda by the addition of Ordinance No. 53-20 – “To Enter Into an Agreement with Bramhall Engineering to Perform Professional Services on the Elizabeth Avenue, Puth Drive, Joseph Street and Detroit Road Sanitary Sewer Project” as item number 11a., and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to accept the agenda as amended, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes; Mr. Fischer, “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, MAY 11, 2020

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to dispense with the reading of the minutes of the Work Session of Council held Monday, May 11, 2020, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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, MAY 11, 2020

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, May 11, 2020, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 48-20 – TO REJECT THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT

The Clerk read Ordinance No. 48-20 by title only, entitled:

AN ORDINANCE TO REJECT THE BID FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT 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. 48-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “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. 48-20, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 49-20 – AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S)

The Clerk read Ordinance No. 49-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANT(S) 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. 49-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “yes”.

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

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to adopt Ordinance No. 49-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 50-20 – TO AWARD THE BID FOR THE ELIZABETH AVENUE, JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2

The Clerk read Ordinance No. 50-20 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE ELIZABETH AVENUE,
JOSEPH STREET, PUTH DRIVE AND DETROIT ROAD
SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Radcliffe and seconded by Mr. Moore to suspend the rules and act on Ordinance No. 50-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 50-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

ORDINANCE NO. 51-20 – TO ESTABLISH TEMPORARY OUTDOOR SEATING AREAS

The Clerk read Ordinance No. 51-20 by title only, entitled:

**AN ORDINANCE TO ESTABLISH TEMPORARY OUTDOOR SEATING AREAS
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Witherspoon and seconded by Mr. Radcliffe to amend Ordinance No. 51-20 to include the Safety Director in Section 1 along with the Zoning Enforcement Officer and the Planning Coordinator as the authorized authority to approve the temporary expanded outdoor seating areas, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Fischer, “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 suspend the rules and act on Ordinance No. 51-20, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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. 51-20 as amended, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “yes”.

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

**ORDINANCE NO. 52-20 – AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS
AGREEMENT BETWEEN THE BIG SHOW LTD AND THE CITY OF AVON ENTERED
INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17**

The Clerk read Ordinance No. 52-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS AGREEMENT BETWEEN THE BIG SHOW LTD AND THE CITY OF AVON ENTERED INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17 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. 52-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “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. 52-20, and the vote was: Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Fischer, “yes”.

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

ORDINANCE NO. 53-20 – AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY TO PERFORM PROFESSIONAL OBSERVATION SERVICES, CONSTRUCTION STAKING AND CERTAIN CONSTRUCTION ADMINISTRATION SERVICES FOR THE CITY OF AVON ON THE ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET, AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2

The Clerk read Ordinance No. 53-20 by title only, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY TO PERFORM PROFESSIONAL OBSERVATION SERVICES, CONSTRUCTION STAKING AND CERTAIN CONSTRUCTION ADMINISTRATION SERVICES FOR THE CITY OF AVON ON THE ELIZABETH AVENUE, PUTH DRIVE, JOSEPH STREET, AND DETROIT ROAD SANITARY SEWER IMPROVEMENT PROJECT, PHASE 2 AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Mr. Butkowski to amend Ordinance No. 53-20, by removing the last sentence in Section 2 that read, “The Finance Director is further authorized to increase this appropriation by a reasonable amount for additional engineering and/or legal services associated with this project.”, and the vote was: Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Fischer, “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 suspend the rules and act on Ordinance No. 53-20, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Fischer, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to adopt Ordinance No. 53-20 as amended, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “abstain”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”.

The vote was 6 for and 1 abstention and the Chairman declared the motion passed.

RESOLUTION NO. R-15-20 – TO ADVERTISE FOR BIDS FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE 1

The Clerk read Resolution No. R-15-20 by title only, entitled:

A RESOLUTION TO ADVERTISE FOR BIDS FOR THE FRENCH CREEK ROAD PAVEMENT RESURFACING PROJECT, PHASE 1 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-15-20, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Fischer, “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 Resolution No. R-15-20, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Fischer, “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.

Mrs. Holtzmeier, At Large, had no comments.

Mr. McBride, Ward 2, had no comments.

Mr. Moore, Ward 3, had no comments.

Mr. Radcliffe, Ward 4, had no comments.

Mr. Witherspoon, At Large, had no comments.

Mr. Fischer, 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.

Mr. Streater, Safety Director, was absent.

AUDIENCE:

No comments were made from the audience members.

ADJOURN: 8:14 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. Witherspoon, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Fischer, "yes".

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