

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JUNE 24, 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.

**PRESENT**

Council Members: 1<sup>st</sup> Ward – Bob Butkowski; 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/Acting Mayor – William Logan; Clerk of Council – Barbara Brooks

**ABSENT**

Council-at-Large – Brian Fischer, excused

**ADDITIONS AND DELETIONS TO THE AGENDA**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to amend the agenda, by removing item #10, Ordinance No. 55-19 – Authorizing the Mayor to Enter Into an Agreement with O.R. Colan Associates, LLC to Perform Professional Real Estate Easement Acquisition Services for the Elizabeth Avenue, Puth Drive, Joseph Street and Detroit Road Sanitary Sewer Improvemen Project, Phase 2 and by adding an Executive Session for the Purpose of Discussing the Threat of Imminent Litigation, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride 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. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**MINUTES OF THE WORK SESSION OF COUNCIL HELD MONDAY, JUNE 3, 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, June 3, 2019, and to approve said minutes as published, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, JUNE 10, 2019**

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, June 10, 2019, and to approve said minutes as published, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 52-19 – REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT

The Clerk read Ordinance No. 52-19 by title only, entitled:

**AN ORDINANCE TO AMEND ORDINANCE NO. 413-68, PASSED JANUARY 15, 1969 COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF AVON, OHIO, AS AMENDED, REZONING A 0.8607 PORTION OF A 2.8048 ACRE PARCEL OF LAND OWNED BY SHIRE GLENN GREEN, LLC AND LOCATED ON THE NORTH SIDE OF AVON ROAD, PERMANENT PARCEL NO. 10-04-00-028-102-067 FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO O-1 PLANNED OFFICE DISTRICT**

The Chairman declared this to be the second of three readings of Ordinance No. 52-19 and that a Public Hearing would be held at 7:25 p.m. on Monday, July 8, 2019.

ORDINANCE NO. 53-19 – ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020

The Clerk read Ordinance No. 53-19 by title only, entitled:

**AN ORDINANCE ESTABLISHING A TAX BUDGET FOR THE CURRENT EXPENDITURES OF THE CITY OF AVON, LORAIN COUNTY, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020 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. 53-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. Butkowski and seconded by Mrs. Holtzmeier to adopt Ordinance No. 53-19, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 54-19 – ACCEPTING THE INSURANCE PROPOSAL SUBMITTED BY ARTHUR J. GALLAGHER & CO.

The Clerk read Ordinance No. 54-19 by title only, entitled:

**AN ORDINANCE ACCEPTING THE INSURANCE PROPOSAL**

**SUBMITTED BY ARTHUR J. GALLAGHER & CO.  
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. 54-19, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. Radcliffe and seconded by Mrs. Holtzmeier to adopt Ordinance No. 54-19, and the discussion was:

Mr. Moore stated in the policy there are a few shortfalls here and there and while the savings is nice, they should be aware that they are voting for savings with potential risk because with the proposed comprehensive plan it could cost the City if there should be a claim such as a big accident with City vehicles. He said Council should have their eyes wide open when making their decision and be okay with the valuation of City property.

Mr. Logan appreciated Mr. Moore’s input and advised the City has had three claims under the comprehensive portion of the policy in the last five years. The only claim of significance was about a \$15,000 claim for an old pumper in the Fire Department fleet that had an electrical fire approximately three years ago. He agreed the Traveler’s deductible is \$1,000 and the HCC deductible is \$500, but the City has had very good experience with those claims.

Mr. Moore asked if Traveler’s responded with what it would be to bring our deductible to \$500.

Mr. Logan stated no, he traded emails with the agent and he is working with someone trying to get us the numbers, but he does not believe it would be much of a difference.

Mr. Gasior suggested Mr. Logan still find out even though it would be after Council votes tonight.

Mr. Logan advised he would also like to find out about the commission as the Traveler’s commission is 15% and Custis with HCC has been 10%. However, Jackson Dieken, an agency in Westlake, is really behind all the government Houston Casualty policies in this part of the State. He reached out to find out what the commission for Jackson Dieken is as they are taking some commission as well, but he did not know how much at this point.

Mr. Gasior advised once Council has voted, it will be after the fact, but he felt it would still be good to know and if they want to drop the price even after Council has voted.

Mr. Moore asked if Mr. Logan knew yet what the premium would be if they went to a \$500 deductible.

Mr. Logan stated he did not have firm information yet, but it was estimated that it could be a \$3,000 to \$4,000 difference in premium.

Mr. Gasior stated he was curious to see it proposed the other way as to what Traveler's might charge for the \$500 deductible as he felt that might be preferable rather than whether HCC would come down significantly as he did not see that happening.

Mr. Logan agreed and said the agent at HCC indicated as much.

Mayor Jensen asked if legislation would have to come back to Council for a vote if the City is offered a slightly higher premium with a lower deductible.

Mr. Logan said he understands where Mr. Moore is coming from, but he is not sure it is a huge risk to the City to have a \$1,000 deductible versus a \$500 deductible on the comprehensive, but if that is what Council wants then he believed they could come back with an amendment to the legislation.

Mr. Moore stated if we take the \$1,000 deductible, he just wanted Council to be aware of what they were voting for and that there would be a little more risk.

Mr. Logan agreed that is a risk and we can leave it open ended as to getting an answer from the agents and see what the premium change would be and come back to Council to evaluate that and Council could choose whether to amend the Ordinance and the policy.

Mr. Moore advised it is the same with the aggregate of \$2 million versus \$3 million. He said he understands all the scenarios, but it was still \$1 million less in coverage. Mr. Moore indicated that as long as all of Council was aware of what they were voting for.

Mr. McBride suggested that Council pass the Ordinance as is tonight and Mr. Logan can update Council if he should get some other information and if it would dramatically change the policy then Council could amend the Ordinance.

Mr. Logan stated he was fine with that and added that he would have the answer soon.

Mr. McBride felt whatever information was gathered they were not going to go from Traveler's back to HCC that it was too far of a spread.

Mr. Gasior said it does not look like they would be going back to HCC and he suggested Council pass it as is tonight.

And the vote was: Mr. McBride, "yes"; Mr. Moore, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes"; Mrs. Holtzmeier, "yes"; Mr. Witherspoon, "yes".

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 56-19 – REAPPROPRIATIONS

The Clerk read Ordinance No. 56-19 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. 56-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 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. 56-19, and the discussion was:

Mr. Logan pointed out that two items were added to the Exhibit since last week.

- Police K9 Program Fund No. 219 Increase appropriations \$1,000.00 for canine supplies because the Police Department now has two dogs, rather than one.
- Avon Veterans’ Memorial Construction Fund No. 487 Appropriate \$5,000.00 for landscaping at the site.

And the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 57-19 – AUTHORIZING AN ADDENDUM TO THE CURRENT LOCAL PUBLIC AGENCY AGREEMENT TO IMPLEMENT AN EXPANDED TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) GRANT FOR THE DEVELOPMENT OF A CITYWIDE BICYCLE + MULTI-USE PATH MASTER PLAN

The Clerk read Ordinance No. 57-19 by title only, entitled:

**AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE CURRENT LOCAL PUBLIC AGENCY AGREEMENT TO IMPLEMENT AN EXPANDED TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) GRANT FOR THE DEVELOPMENT OF A CITYWIDE BICYCLE + MULTI-USE PATH MASTER PLAN 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. 57-19, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Radcliffe to adopt Ordinance No. 57-19, and the discussion was:

Mr. Gasior advised this Ordinance is in a bit of a different format and there is an additional exhibit attached so there is now an Exhibit A and Exhibit B. He said when Mr. Cummins and he spoke about this legislation he wanted to make it a little more understandable as to what was

going on and he felt it is now clearer and a second exhibit was added and he referenced those exhibits in the body of the ordinance.

Mr. Cummins advised that while the Ordinance reads slightly differently, the intent and the scope and the cost breakdown between NOACA and Lorain County Metroparks is all the same. It is just how the information is presented and attached to the Ordinance that was revised.

And the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 58-19 – TO AWARD THE BID FOR THE CHESTER ROAD WIDENING PROJECT BETWEEN STATE ROUTE 83 AND AMERICAN WAY

The Clerk read Ordinance No. 58-19 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE CHESTER ROAD WIDENING PROJECT BETWEEN STATE ROUTE 83 AND AMERICAN WAY 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. 58-19, and the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 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. 58-19, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-13-19 – TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT

The Clerk read Resolution No. R-13-19 by title only, entitled:

**A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY**

The Chairman declared this to be the third of three readings of Resolution No. R-13-19.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Resolution No. R-13-19, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-16-19 – TO ADVERTISE FOR BIDS FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY

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

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE DESIGN, PERMITTING, PROVISION & INSTALLATION OF A FIRE TRAINING FACILITY 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-16-19, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Resolution No. R-16-19, and the discussion was:

Mr. Gasior noted this is a City project and there is a provision in the Code where fees can be waived for governmental entities and the fees will be waived in this instance.

And the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

MOTION TO WAIVE THE APPLICATION FEE FOR THE HARRIS PARTY APPEAL BEFORE THE BOARD OF ZONING AND BUILDING APPEALS ON JUNE 5, 2019

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to waive the application fee, and the discussion was:

Mr. Gasior explained that this property is located right by the Jaycox Road bridge that crosses over I-90. He said there is a new home that was recently constructed, and the unique thing is that the City owns the land that is immediately adjacent to the property. That land was granted to the City when I-90 was built and the homeowners were required to take a concrete driveway all the way out to the existing apron over that property, which has the City 38” storm sewer and a sanitary trunk main. Mr. Gasior stated the Utilities Department was not thrilled with having that driveway located there. The City Administration felt the homeowners should come before the BZA and request the relief they were entitled to and that the City wanted. The homeowners asked for the fees to be waived. He said it is a little different than granting a refund of a fee that had been paid as this is an actual waiver. Mr. Gasior advised this motion formalizes that waiver.

And the vote was: Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

## REPORTS AND COMMENTS

Mayor Jensen advised that North Ridgeville was having their meeting today and he had some people call asking about the roundabout that is being proposed for Mills Road and Nagel Road. He said the City of Avon is not dragging their feet on that project. While he does not know what is being said in that meeting some people want to push that project ahead of others. Mayor Jensen stated the City of Avon is all for working with the City of North Ridgeville and feels that Avon should take the lead on the project because it is a section of roadway that Avon controls. He said he reached out to Mr. Armbruster again today and told him the City of Avon is more than willing to do whatever moving forward, but it is going to be an ongoing discussion. Mayor Jensen felt their discussion was a positive one and North Ridgeville is talking about doing two projects simultaneously. He said that Avon is working on getting the Nagel Road and Detroit Road project going and we cannot have those two projects going at the same time. He reiterated that Avon is onboard with helping and working together as we did such a great project with them in the past, but we feel that Avon should have the lead on that project.

### COUNCIL MEMBERS:

Mr. Butkowski, Ward 1, had no comments.

Mr. Fischer, At Large, absence excused.

Mrs. Holtzmeier, At Large, had no further comments.

Mr. McBride, Ward 2, asked Mr. Cummins if he has seen any of the engineering for the rezoning request for the Shire Glenn property on Avon Road.

Mr. Cummins advised those property owners have not made any new submissions that are engineering related that he is aware of in the past week.

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 just before the meeting there was a document distributed that is a bid tabulation for the Nagel Road widening project. This project will extend from just south of Middleton Road to the Detroit Road intersection taking it to 3 lanes from its current 2-lane configuration. The bids were opened on June 13, 2019 and they received 2 bids, with KMU Trucking and Excavating being the low bidder at \$1,039,617 and it is .85% below the engineer's estimate. Chagrin Valley Engineering has reviewed the bid and is comfortable stating that they feel that KMU's bid is the lowest and best for this project. This item will be on the Work Session on July 1<sup>st</sup> and they are requesting City Council hold a Special Meeting, if possible, after the Work Session on July 1<sup>st</sup> to award the bid at that time, giving them an extra week of construction time that would be very useful for this project. Otherwise, it will be on the Work Session, July 1<sup>st</sup> and then considered for award on July 8<sup>th</sup>. He stated he wanted to get this

information before City Council and let them know that we have the bid and have reviewed it and have made a recommendation in draft form to the Law Director earlier today for KMU.

Mr. Cummins advised also he submitted legislation to the Law Director earlier today asking for authorization to bid a citywide annual Pavement Marking Program. That is another item that would be on the Work Session for July 1<sup>st</sup> and if it is something Council is comfortable with they would also like it to be considered at a Special Meeting following the Work Session on July 1<sup>st</sup>. He said this would be authorization to go out for bids and once the bids are in they would be back to Council to award the bid.

Mayor Jensen advised he asked Mr. Cummins to update Council on those two projects since he will be absent next Monday. He felt that they all are aware of the striping and how well it has worked bidding this out each year. In the past, the City employees would do the striping themselves every other year and he felt there is enough savings by having someone else do the striping that we can do it every year now. Mayor Jensen stated the striping can still be seen, but it is wearing thin and by redoing it every year it looks much nicer. The earlier we can go out for bid the more the City will be in line to get it done before it gets cold.

Mr. Butkowski stated regarding the KMU bid that if they are saying it would be 30 days to get this project completed and if the project starts the first part of July they were looking at December to have it done. He asked if there was any way to speed that timeline up.

Mr. Cummins confirmed they were looking at the beginning of December for the project to be completed. He said certainly once we get into the project they will look for every opportunity to pick up time and get the project completed as quickly as possible.

Mr. Butkowski said he was thinking about that time of year and Nagel Road being one of the major thoroughfares.

Mayor Jensen advised they plan on talking to KMU about doing some night work as they have been really good to work with. He said that today because of the accident on SR83, Nagel Road was a nightmare. Mayor Jensen stated that because of the timing for the way the funds are awarded, July 1<sup>st</sup> is the earliest and they would like to get started on these projects earlier and they were looking into ways they could try to push the project forward.

Mr. Butkowski inquired if they will be able to maintain 2 lanes on Nagel Road during the construction.

Mr. Cummins advised it would be one-way southbound. He added that the funds that Mayor Jensen mentioned are the Ohio Public Works Commission Issue 2 funding. Mr. Cummins stated they have \$250,000 of grant funds and \$250,000 of loan in the funding package for this project and that money does not become available until the State's new fiscal year, which starts on July 1<sup>st</sup> and the reason they have to wait until this date to award. He agreed it is inconvenient with the Ohio construction season, but that is what is driving the timing of this particular project.

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, pointed out that the American Way project is funded by the 2018 OPWC funds and that is another \$500,000 - \$250,000 grant/\$250,000 no interest loan funds. Both of those projects are \$500,000 funded through OPWC.

AUDIENCE:

There were no comments from the audience members.

EXECUTIVE SESSION: 8:04 p.m.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Radcliffe to Enter Into Executive Session for the Purpose of Discussing the Threat of Imminent Litigation, and to invite Mayor Jensen, Mr. Gasior, Mr. Cummins and Ms. Fechter, and the vote was: Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

RECONVENE: 8:48 p.m.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Moore to Reconvene the Regular Meeting of Council, and the vote was: Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.

ADJOURN: 8:50 p.m.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adjourn the Regular Meeting of Council, and the vote was: Mr. Butkowski, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Moore, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

The vote was 6 for and 0 against and the Chairman declared the motion passed.