

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD MONDAY, JANUARY 11, 2016  
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; 3<sup>rd</sup> Ward – Mary Berges; 4<sup>th</sup> Ward – Daniel Urban; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Law Director – John Gasior; Finance Director – William Logan; Service Director – Michael Farmer; Parks Director – Diane Corrao; Planning and Economic Development Coordinator - Pam Fechter; City Engineer – Ryan Cummins; Clerk of Council – Ellen Young

ABSENT

2<sup>nd</sup> Ward – Dennis McBride

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. Urban and seconded by Mr. Butkowski to amend the agenda by adding as Item 11A, an Executive Session to discuss the sale of municipal property, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mrs. Holtzmeier and seconded by Mr. Butkowski to accept the agenda as amended, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, DECEMBER 28, 2015

A motion was made by Mr. Urban and seconded by Mrs. Holtzmeier to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, December 28, 2015, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “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 ORGANIZATIONAL MEETING OF COUNCIL HELD MONDAY, JANUARY 4, 2016

A motion was made by Mr. Butkowski and seconded by Mr. Fischer to dispense with the reading of the minutes of the Organizational Meeting of Council held Monday, January 4, 2016, and to approve said minutes as published, and the vote was: Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

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

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, JANUARY 4, 2016

A motion was made by Mrs. Holtzmeier and seconded by Mr. Urban to dispense with the reading of the minutes of the Special Meeting of Council held Monday, January 4, 2016, and to approve said minutes as published, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 1-16 - TO ENTER INTO AN AGREEMENT WITH CHAGRIN VALLEY ENGINEERING TO STUDY THE SANITARY SEWER MASTER PLAN

The Clerk read Ordinance No. 1-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING CHAGRIN VALLEY ENGINEERING (CVE) TO PROCEED WITH A STUDY TO MODIFY THE CITY’S SANITARY SEWER MASTER PLAN AND DECLARING AN EMERGENCY**

A motion was made by Mr. Butkowski and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 1-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “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 Ms. Berges to adopt Ordinance No. 1-16, and the discussion was:

Ms. Berges asked Mr. Cummins how long he thought it would take to conduct this study and Mr. Cummins answered that it would take several months, probably six months or more.

The vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 2-16 – TO ACCEPT IMPROVEMENTS IN PALMER VILLAGE  
SUBDIVISION NO. 5

The Clerk read Ordinance No. 2-16 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS  
IN PALMER VILLAGE SUBDIVISION NO. 5  
AND DECLARING AN EMERGENCY**

A motion was made by Mr. Fischer and seconded by Mr. Urban to suspend the rules and act on Ordinance No. 2-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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 Mrs. Holtzmeier and seconded by Ms. Berges to adopt Ordinance No. 2-16, and the discussion was:

Ms. Young said that she had received the fully executed routing sheet this afternoon, so all required officials signed off on it. Mr. Gasior stated that there is one thing with the arrearages from Palmer Village Subdivision Nos. 1, 2, and 3. Mr. Logan said, yes, there is about \$18,000 in some engineering fees from some previous phases for Palmer Village Subdivision, but he has worked out an arrangement with the developers. They have enough deposits on hand to cover that and we will work it out as we go forward.

The vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 3-16 – TO ACCEPT IMPROVEMENTS IN ARLINGTON ESTATES  
SUBDIVISION NO. 10

The Clerk read Ordinance No. 3-16 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS  
IN ARLINGTON ESTATES NO. 10  
AND DECLARING AN EMERGENCY**

A motion was made by Mrs. Holtzmeier and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 3-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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. Fischer to adopt Ordinance No. 3-16, and the discussion was:

Mr. Logan mentioned last week that we did not have the maintenance bonds in for this subdivision, but we do have them now. Mayor Jensen noted that there was a sidewalk that was broken up along the roadway there and K. Hovnanian took care of it with no questions asked. There have been times when we have helped them and times they have come back through and helped us. The sidewalks were damaged and needed to be repaired and they stepped up when it needed to be done. The Mayor thanked them for that.

The vote was: Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "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 stated that he has the Fire Report for the month of December, 2015. There were 162 requests for the rescue squad and 44 fire calls. He will have the report on file if anybody wants to see it.

Mrs. Holtzmeier gave kudos to the Street Department for their response to the snow on Sunday.

Mr. Gasior said that he wanted to add pending litigation as a discussion during the Executive Session.

Mr. Logan stated that there is a Finance Committee Meeting next Tuesday, January 19<sup>th</sup>, at 6:00 P.M. with the people from the Lorain Public Library System and he asked Ms. Young to add an item at the end of that meeting to discuss financial software that we are considering. He will have a memo out regarding that topic later in the week.

### EXECUTIVE SESSION

A motion was made by Mrs. Holtzmeier and seconded by Mr. Fischer to enter into Executive Session to discuss the sale of municipal property and pending litigation, and the vote was: Ms. Berges, "yes"; Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. Urban, "yes"; Mr. Witherspoon, "yes".

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

### ADJOURN

A motion was made by Mr. Urban and seconded by Ms. Berges to adjourn the Regular Meeting of Council and the vote was: Mr. Butkowski, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. Urban, "yes"; Ms. Berges, "yes"; Mr. Witherspoon, "yes".

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