

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MARCH 28, 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: 3rd Ward – Mary Berges; 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; 2nd Ward – Dennis McBride; 4th Ward – Daniel Urban; 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 – Ellen Young

ABSENT

Council-at-Large – Tammy Holtzmeier; Parks Director – Diane Corrao

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 14, 2016

A motion was made by Mr. McBride and seconded by Mr. Urban to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 14, 2016, and to approve said minutes as published, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 35-16 – TO ESTABLISH COMPENSATION FOR THE POSITION OF IT
TECHNICIAN

The Clerk read Ordinance No. 35-16 by title only, entitled:

**AN ORDINANCE TO ESTABLISH COMPENSATION FOR THE
CLASSIFIED, FULL-TIME POSITION OF INFORMATION
TECHNOLOGY TECHNICIAN FOR THE CITY OF AVON
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 35-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “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.

A motion was made by Mr. McBride and seconded by Mr. Urban to adopt Ordinance No. 35-16, and the vote was: Mr. Fischer, “yes”; Mr. McBride, “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. 36-16 – TO AUTHORIZE THE CREATION OF STORM WATER UTILITY FUND NO. 285

The Clerk read Ordinance No. 36-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE CREATION OF
THE STORMWATER UTILITY FUND NO. 285
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Fischer to suspend the rules and act on Ordinance No. 36-16, and the vote was: Mr. McBride, “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 Mr. McBride and seconded by Mr. Urban to adopt Ordinance No. 36-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 37-16 – TO ENTER INTO AN AGREEMENT WITH FIRST NATIONAL BANK FOR DEPOSIT OF PUBLIC MONIES

The Clerk read Ordinance No. 37-16 by title only, entitled:

**AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT
WITH FIRST NATIONAL BANK FOR DEPOSIT OF PUBLIC MONIES
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Ms. Berges to suspend the rules and act on Ordinance No. 37-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “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 Mr. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 37-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “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. 38-16 – TO GRANT CONSENT TO ODOT FOR RESURFACING OF SR 83 FROM DETROIT ROAD NORTH TO THE CITY BORDER WITH AVON LAKE

The Clerk read Ordinance No. 38-16 by title only, entitled:

**AN ORDINANCE GRANTING CONSENT TO THE DIRECTOR OF TRANSPORTATION TO PERFORM RESURFACING ON STATE ROUTE 83 FROM DETROIT ROAD TO US 6 INCLUDING RESURFACING ON APPROXIMATELY 1.52 MILES OF ROAD LOCATED WITHIN THE AVON CORPORATION LIMITS
PID NO. 92880 AND PROJECT NAME: LOR-SR 0083 17.94
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Urban to suspend the rules and act on Ordinance No. 38-16, and the vote was: Mr. Fischer, “yes”; Mr. McBride, “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.

A motion was made by Mr. Butkowski and seconded by Mr. Fischer to adopt Ordinance No. 38-16, and the discussion was:

Ms. Berges asked when this project might begin and Mr. Cummins said the contract will probably be awarded in August, so you might see activity later in August, but early September is more likely.

The vote was: Mr. McBride, “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.

ORDINANCE NO. 39-16 – TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS NEW MATTER IN THE AMENDED CODIFIED ORDINANCES (PRINTED)

The Clerk read Ordinance No. 39-16 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. Urban to suspend the rules and act on Ordinance No. 39-16, and the vote was: Mr. Urban, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “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. Urban to adopt Ordinance No. 39-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “yes”; Mr. Urban, “yes”; Mr. Witherspoon, “yes”.

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

RESOLUTION NO. R-5-16 – TO ADVERTISE FOR BIDS FOR THE 2016 PAVEMENT MARKING PROGRAM

The Clerk read Resolution No. R-5-16 by title only, entitled:

**A RESOLUTION TO ADVERTISE FOR BIDS FOR THE
2016 PAVEMENT MARKING PROGRAM
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Urban to suspend the rules and act on Resolution No. R-5-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. McBride, “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.

A motion was made by Mr. Butkowski and seconded by Mr. McBride to adopt Resolution No. R-5-16, and the vote was: Mr. Fischer, “yes”; Mr. McBride, “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.

REPORTS AND COMMENTS

Mayor Jensen addressed Mr. Urban, stating that ten years has gone by quickly and Mr. Urban’s resignation did not seem real until he saw Ms. Urban sitting in the audience. He thought over the past ten years and realized that they have both served a community they love. There have been a lot of changes in Avon and he could not recall a time when there was a cross word between them; in fact, he felt there had been mutual respect. It is probably true that everybody can be replaced, but the Ward Four seat will be difficult in his mind. Mayor Jensen said there are a lot of things he and Mr. Urban are proud of and it has been a pleasure partnering with him. He will miss Mr. Urban’s character and the respect he has for him will not be replaced. There have been difficult decisions, but Mr. Urban always made them with dignity and in the best interests of the community. Mayor Jensen ended, stating that he will miss Mr. Urban and he appreciates his service to the community as the Mayor and as his friend.

Ms. Berges acknowledged the Fire Department and their service to the community with the installation of infant car seats. She took advantage of that service over the weekend and expressed her appreciation in ensuring “that our fragile little babies are safe.”

Addressing Mr. Urban, she said seeing Mr. Urban as a Councilman, first from the audience and then sharing the dais with him, she has seen nothing but his professionalism, thoughtfulness and ability to make difficult decisions. She stated that Mr. Urban does not make a lot of speeches, or do a lot of talking, but when he does, people listen. It has been a lot of fun and a pleasure working with him. Ms. Berges extended her gratitude to Mr. Urban.

Mr. Butkowski said one of the comments Mr. Urban made when he announced that he would be stepping down has stuck with him. It regarded Mr. Urban’s experience in dealing with boards of public companies and it struck home, consistent with the philosophy Mr. Butkowski has had; we are like a board of directors in the professionalism and the outlook they put forth every day in trying to make this City better. Mr. Butkowski hopes to live up to the example set before them, through ten years of being here and his appreciation for Mr. Urban has grown since becoming a Councilman himself. He will be missed and will leave difficult shoes to fill. He ended welcoming Mr. Urban to the fellowship of fatherhood of the threes, it is a bright new world and from his perspective, in a couple more years, he will welcome Mr. Urban to the fours.

Mr. Fischer said to Mr. Urban that he wished he had gotten the chance to work together and know each other a little longer. Having been to some meetings in the past few years and in the short time he has been on Council, he has come to appreciate Mr. Urban’s commitment to the City and it is a testament that he has lasted this long. He ended, stating that once Mr. Urban gets past the fours, he should come talk to him when he gets to the fives.

Mr. McBride expressed his thankfulness that Mr. Urban won the election for Ward four, stating that prior to that, his first couple of terms were not fun. Before Mr. Urban, Mayor Jensen and Mr. Witherspoon were elected to City Council, there were nights he did not want to show up. He told past Mayor Smith that he did not think he wanted to run again. He congratulated Mr. Urban and thanked him for serving, stating he was sure he would see him again. Mr. Urban said absolutely.

Mr. Urban thanked everyone for their kind words. It is hard to believe, after ten years of Monday evenings, this is his last one as Council representative for Ward Four. It has been incredibly rewarding and satisfying. He thanked the members of Council he served alongside over the years, especially Mayor Jensen, Mr. Witherspoon and Mr. McBride, who he has served with the entire last ten years. They are great representatives and stewards of the City of Avon. The four of them were swept in on the whole bus garage issue ten years ago. It is funny how things happen; listening to the evidence they hear from constituents, they make a reasoned, informed decision. Ten years ago there was such uproar over the bus garage. After it was built, one of the constituents approached him and asked, “Did that bus garage ever get built?” Yes, it did. They have been charged with making informed, correct decisions and it has been fun. He wished them continued success.

To Ms. Berges, Mr. Butkowski and Mrs. Holtzmeier, he said they have served together for various amounts of time. Regardless of the length of time, what is clear to him is their desire to serve, their willingness to listen and their ability to do what is in the best interests of the citizens of Avon.

Addressing Mr. Fischer, he said he also wished they had more of an opportunity to work alongside one another. He wished him all the best as he comes up to speed on the issues before Council and is confident that he will continue what they have all strived to put in place here on behalf of the City and what makes Avon a shining example.

He said Mr. Butkowski referenced this; the City works best because they do function like a board of directors, taking their fiduciary obligations seriously, discharging those obligations to themselves and to their constituents. They do so without partisanship, without grandstanding or speechmaking. That is one of the reasons they have been so successful as a City Council; they do not make headlines. They operate the City's business and finances efficiently and respectfully with one another. He hopes that pattern and process continues.

Addressing the Directors, Mr. Gasior, Mr. Farmer, Ms. Corrao, Mr. Logan, Ms. Fechter, the Economic Development and Planning Coordinator and Mr. Cummins, the City Engineer, he asked that they please continue their dedicated service to the City. Working with all of them to solve problems and provide answers has been nothing but seamless over the years and he appreciated all help they gave him, enabling him to help the residents in Ward Four.

Mr. Urban thanked Ms. Young for keeping Council on the "straight and narrow." Her assistance over the years, making sure the meetings were running smoothly and efficiently in Council and Committee meetings has been nothing but spectacular. He wished her luck in her retirement.

To Mayor Jensen, he said thank you for his steady leadership and passion for Avon. Strong organizations take their cue from the top. He said he failed to recognize that two and a half years ago. He has now had the chance to see Mayor Jensen's ability first hand and is confident that this City is in great hands under his tenure. He is looking forward to following what he has in store for our great City in a future that will be incredibly bright.

He thanked former Mayor Smith and former Planning Coordinator Piazza. He learned so much from them; most of which he cannot say on record. Seriously, because of them he grew as a public servant and a better representative to his constituents.

He thanked the constituents in Ward Four for allowing him the honor and the pleasure of working on their behalf for the last ten years. He expressed his gratitude for the trust and confidence they placed in him to keep putting him back in this Council seat.

Mr. Urban concluded, "Publicly and officially," thanking his wife, Christine. As City officials they understand the sacrifices their families make to allow them to do what they do. The meetings, phone calls, emails, campaigns, the disruptions while out to dinner or at Heinens. It takes special people behind the scenes. They are fortunate having those individuals supporting them. He said he is especially lucky to have Christine as his support system. Without her

sacrifice and understanding, he could not have chased this dream to be a public servant and to have served all these years. "Simply put," he said, "you are an incredible woman. I am blessed that you are my wife; our two, soon to be three children, are blessed that you are their mother." He presented Ms. Urban with a bouquet of flowers. Finally, he said for the last time, "I have no further comments."

Mr. Witherspoon stated that he could not believe it had been ten years since Mr. Urban first heard the call. He has served with honesty, integrity and compassion. The citizens of Avon's Fourth Ward have been fortunate to have Mr. Urban sitting with Council every Monday night. He can leave knowing he was a big part of the success the City has enjoyed over the last ten years. He respects that he is taking time to spend with his family; babies do not stay babies and you only get one shot at that. He wished Mr. Urban luck and asked that he send pictures, "Because that is what keeps grandparents like us young."

Ms. Young said she has been Clerk of Council for sixteen years and has seen a lot of Council people come and go. She has the singular experience of sitting through the meetings twice. She thanked Mr. Urban for being a man of few words and for making the words he does say count. She appreciated that whenever she spoke to him, whether it regarded a constituent or on a personal level, he listened carefully, dealt with the situation rapidly and showed compassion every time. She said she could not express the depth of her appreciation. One of the best things about our government is that you cannot be replaced. It is not going to happen; but diversity is a wonderful thing in the workings of our government and she hoped the City has someone step up to the Ward Four seat that has as much dedication to the City of Avon as Mr. Urban. She hoped they are as appreciative of, and appreciated by the new Clerk of Council, as she has enjoyed such a relationship with Mr. Urban. She truly wished him the best and said she said she was proud of him for choosing his wife and children at this time in their lives. You will never regret it.

Mr. Cummins wished Councilman Urban and his family the best.

Mr. Farmer said that as a Fourth Ward constituent he wished to thank Mr. Urban for his efforts. He quoted Kenny Chesney, stating, "Don't blink," because he has a seventeen year old that he is sure was a year old yesterday. Enjoy your time with your family; you get to do that only one time.

Ms. Fechter said she has only worked with Mr. Urban for a short time, but has nothing but respect for him. The words he said that night and the evening he announced his resignation show what kind of man he is. She wished him and his family the very best during this next chapter.

Mr. Gasior thanked Mr. Urban for being there for the last ten years. His wisdom and his demeanor were constituents of success. He said he was thinking of golf and of how they managed to "win that Nakon event the last nine out of ten years with him on the golf course," suggesting the newspaper reporter print that. He thanked Ms. Urban for letting him play in that event the last ten years.

Mr. Gasior said, listening to the comments, there were a lot of flashbacks over the last ten years. Regarding the bus garage, you really cannot see that thing going down Detroit Road. Also going on was City Centre, which people were adamant about maintaining as residential and MarketPlace, which was residential. Both developments are now accepted, bustling commercial centers. There was also a case that went to the Court of Appeals and it had to deal with the cluster subdivision law and that was resolved by the Council that came into office at the time. He could honestly say, the City has not been in the Court of Appeals in the last ten years. He thanked Mr. Urban's experience, citing his background as a litigator, a person who understands how legal problems get resolved in the courtroom. That helped him as Law Director in getting matters resolved. He continued, listing many, many situations that Council dealt with during Mr. Urban's time as a member and credited Mr. Urban as part of the solution to those issues. He felt that there are some good candidates; diversity is important and Mr. Urban cannot be replaced, but he can be remembered. He wished Mr. Urban luck and suggested that Mr. Urban keep him in mind when he wants to play golf.

Mr. Logan said it has all been said. He enjoyed working with Mr. Urban for the last eight years and his leadership has been a big part of making this a good Council for him to work with. He said his time here has been very low stress and he appreciated that. He said he will trump Mr. Butkowski and Mr. Fischer, suggesting that Mr. Urban stop with three.

ADJOURN

A motion was made by Mr. McBride and seconded by Mr. Urban to adjourn the Regular Meeting of Council, and the vote was: Mr. McBride, "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.