

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, APRIL 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: 3rd Ward – Mary Berges; 1st Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2nd Ward – Dennis McBride; 4th Ward – Scott Radcliffe; Council-at-Large – Craig Witherspoon; Mayor – Bryan Jensen; Parks Director – Diane Corrao; 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

CORRESPONDENCE

Mayor Jensen reported that there were 164 rescue and 49 fire calls in the month of March.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mrs. Holtzmeier and seconded by Mr. McBride to amend the agenda to remove item No. 14, Resolution No. R-7-16, to advertise for bids to lease City land for agricultural purposes and to add Item No. 14(a) to the agenda, which is Ordinance No. 47-16, to amend Section 256.10(b) to add the word “covered” as it applies to overtime for employees, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

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

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

Mr. Gasior advised Mr. Radcliffe to abstain from voting on the minutes of previous meetings as he was not a member of Council when the meetings occurred, but stated that he would be able to participate in all other votes, since he was present at all previous Work Sessions and Committee Meetings of Council.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MARCH 28, 2016

A motion was made by Mr. McBride and seconded by Mr. Butkowski to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, March 28, 2016, and to approve said minutes as published, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “abstain”; Mr. McBride, “yes”; Mr. Radcliffe, “abstain”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

The vote was 5 for with 2 abstentions and the Chairman declared the motion passed.

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

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

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

ORDINANCE NO. 41-16 – TO AMEND §256.98 OF THE CODIFIED ORDINANCES RE: THE POSITION OF CLERK OF COUNCIL

The Clerk read Ordinance No. 41-16 by title only, entitled:

**AN ORDINANCE AMENDING THE CLASSIFICATION SPECIFICATION
FOR THE CLERK OF CITY COUNCIL AS SET FORTH IN §256.98
OF THE CODIFIED ORDINANCES OF THE CITY OF AVON
AND DECLARING AN EMERGENCY**

The Chairman declared this to be the second of three readings of Ordinance No. 41-16.

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 41-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 41-16, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 42-16 – TO ESTABLISH COMPENSATION FOR THE POSITION OF CLERK OF COUNCIL

The Clerk read Ordinance No. 42-16 by title only, entitled:

AN ORDINANCE TO AMEND THE COMPENSATION FOR THE UNCLASSIFIED, FULL-TIME POSITION OF CLERK OF COUNCIL FOR THE CITY OF AVON AND DECLARING AN EMERGENCY

The Chairman declared this to be the second of three readings of Ordinance No. 42-16.

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Ordinance No. 42-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 42-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 43-16 – TO AMEND SECTION 210 OF THE CODIFIED ORDINANCES REGARDING PARK FEES

The Clerk read Ordinance No. 43-16 by title only, entitled:

AN ORDINANCE TO AMEND CHAPTER 210.01 OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO INCREASE FEES FOR PARK FACILITIES, THE AVON-LIONS COMMUNITY CENTER AND AVON ISLE 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. 43-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 43-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 44-16 – TO AMEND SECTION 1072 OF THE CODIFIED ORDINANCES TO INCREASE THE FEES FOR USE OF THE COMMUNITY CENTER

The Clerk read Ordinance No. 44-16 by title only, entitled:

AN ORDINANCE AMENDING SECTIONS 1072.03(b)(2) and (3) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING AVON-LIONS COMMUNITY CENTER 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. 44-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for with 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. 44-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 45-16 – TO AMEND SECTION 1073 OF THE CODIFIED ORDINANCES TO INCREASE THE FEES FOR USE OF AVON ISLE PARK

The Clerk read Ordinance No. 45-16 by title only, entitled:

AN ORDINANCE AMENDING SECTIONS 1073.03(b)(1) and (2) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON REGARDING AVON ISLE 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. 45-16, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 45-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 46-16 – TO AWARD THE BID FOR CONSTRUCTION OF IMPROVEMENTS TO CHESTER ROAD (PROJECT K)

The Clerk read Ordinance No. 46-16 by title only, entitled:

**AN ORDINANCE TO AWARD THE BID FOR THE
CHESTER ROAD RECONSTRUCTION PROJECT – “PROJECT K”
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. 46-16, and the vote was: Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “abstain”; Ms. Berges, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adopt Ordinance No. 46-16, and the discussion was:

Mr. Cummins explained that “Project K” is the widening of Chester Road from east of the Cabela’s development to just east of Jaycox Road. That will be widening to five lanes along with associated improvements, including underground electrical, drainage, etc. The engineer’s estimate was just under \$6,000,000 and they received very good bids back. KMU Trucking and Excavating, from here in Avon, was the low bidder with a bid of \$5,662,829.75. KMU is a local business and has done a lot of projects in town, including the work on “Project J,” which is the portion between Cabela’s and Menard’s. He felt that was one of the reasons the bid came in so well. Their bid is complete and he recommends KMU be awarded the bid as the lowest and best bidder on this project.

Mrs. Holtzmeier expressed her appreciation that the bid was awarded to a local company. Mayor Jensen said this was a close bid and Mr. Cummins stated that the next lowest bid was only a difference of approximately \$40,000 difference, so it was very tight bidding. Mr. Fischer stated that KMU also had a better completion date. Mr. Cummins said that will be impacted by the cooperation of the utility companies.

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

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

RESOLUTION NO. R-6-16 – TO ESTABLISH AN EQUALIZATION BOARD TO HEAR OBJECITONS TO THE ESTIMATED ASSESSMENT FOR IMPROVEMENTS TO CHESTER ROAD (PROJECT K)

The Clerk read Resolution No. R-6-16 by title only, entitled:

A RESOLUTION APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATIVE TO THE IMPROVEMENT OF THE CITY BY THE CONSTRUCTION AND RECONSTRUCTION OF A PORTION OF CHESTER ROAD, FROM A TWO (2) LANE TO A FIVE (5) LANE ROADWAY, TOGETHER WITH ALL APPURTENANCES AND RELATED IMPROVEMENTS THERETO AND DECLARING AN EMERGENCY

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to suspend the rules and act on Resolution No. R-6-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mr. Witherspoon, “yes”.

The vote was 7 for with 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-6-16, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Witherspoon, “yes”.

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

ORDINANCE NO. 47-16 – TO AMEND §256.10(b) OF THE CODIFIED ORDINANCES TO CLARIFY LANGUAGE PERTAINING TO OVERTIME COMPENSATION

The Clerk read Ordinance No. 47-16 by title only, entitled:

AN ORDINANCE AMENDING §256.10(b) OF THE CODIFIED ORDINANCES OF THE CITY OF AVON TO CLARIFY LANGUAGE PERTAINING TO OVERTIME COMPENSATION 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. 47-16, and the vote was: Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Witherspoon, “yes”.

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

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to adopt Ordinance No. 47-16, and the vote was: Ms. Berges, “yes”; Mr. Butkowski, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Witherspoon, “yes”.

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

REPORTS AND COMMENTS

Mayor Jensen welcomed Mr. Radcliffe and also stated that he accepted a challenge with the City of Avon Lake regarding health screening and hoped everyone would participate.

Ms. Berges welcomed Mr. Radcliffe and added that the caliber of applicants to fill the unexpired term of the Ward 4 Council seat was so good that anyone could have been chosen and could have done very well. She thanked everyone for their time and hoped they would continue to attend meetings after this night.

Mr. Butkowski welcomed Mr. Radcliffe and said the quality of the applicants showed the good health of the community and asked that they continue to be involved and offer their suggestions to Council.

Mr. Fischer said the reason they were in Executive Session for so long is because they had so many qualified applicants. He welcomed Mr. Radcliffe, stating that the School Board's loss was Council's gain.

Mrs. Holtzmeier also welcomed Mr. Radcliffe to the dais. She thanked Mr. Farmer and the Street Department crews for doing such a good job clearing the snow, saying that when she looked out her window that morning, she was happy to be an Avon resident. She asked how the road salt stockpile is and Mr. Farmer said there is plenty.

Mr. McBride welcomed Mr. Radcliffe and pointed out that Mr. Klingshirn and Mr. Kratt were still in the audience, which says a lot.

Mr. Radcliffe thanked everyone for allowing him to serve on Council and looked forward to going full-steam ahead.

Ms. Corrao welcomed Mr. Radcliffe, stating that she was sure the School Board would miss him.

Mr. Cummins and Mr. Farmer also welcomed Mr. Radcliffe.

Ms. Fechter congratulated Mr. Radcliffe and said he could call her with any questions.

Mr. Logan welcomed Mr. Radcliffe. He stated that on Tuesday, April 12, 2016, the City would be selling the last set of notes for the bid on the construction work on "Project K." He added that the rates had been climbing the past few days and they were probably looking at .80 versus what the last set was sold at, which was .65 or .70. It would be a little more costly, but should still be favorable.

ADJOURN

A motion was made by Mr. McBride 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. McBride, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Witherspoon, "yes".

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