

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF AVON, OHIO, HELD MONDAY, MAY 23, 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 – Barbara Brooks; Clerk of Council – Ellen Young

CORRESPONDENCE

Ms. Brooks shared a card from Ms. Megan Zeck, Treasurer thanking City Council for the gift card in appreciation for Administrative Professional’s Day.

Ms. Brooks advised she received a request for a liquor permit from the Ohio Division of Liquor Control for the Nemo Grille. She stated the request is for a D5 – Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 am. She stated the request is also for a D6 – Sale of intoxicating liquor on Sunday between the hours of 10:00 am or 11:00 am and midnight. There were no objections heard and no request for a hearing.

ADDITIONS AND DELETIONS TO THE AGENDA

A motion was made by Mr. McBride and seconded by Mr. Butkowski to amend the agenda by deleting item 12 Ordinance No. 67-16, To Authorize an Increase in Municipal Water Rates, and item 13 Ordinance No. 68-16, To Authorize an Increase In Municipal Sanitary Sewer Rates, 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 and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Fischer 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 and 0 against and the Chairman declared the motion passed.

MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY, MAY 9, 2016

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to dispense with the reading of the minutes of the Regular Meeting of Council held Monday, May 9, 2016, and to approve said minutes as published, 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 and 0 against and the Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD MONDAY, MAY 16, 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, May 16, 2016, and to approve said minutes as published, 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 and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 61-16 – TO REPEAL CHAPTER 848 OF THE CODIFIED ORDINANCES

Clerk Barbara Brooks read Ordinance No. 61-16 by title only, entitled:

**AN ORDINANCE REPEALING CHAPTER 848 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON, LORAIN COUNTY
AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Butkowski to suspend the rules and act on Ordinance No. 61-16, 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 and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Ms. Berges to adopt Ordinance No. 61-16, 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 and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 62-16 – TO AMEND §256.04 AND §256.98 OF THE CODIFIED
ORDINANCES TO ABOLISH THE FULL-TIME UNCLASSIFIED POSITIONS OF
FINANCE CLERK 2, METER TECHNICIAN AND UTILITY BILLING CLERK 2

Clerk Barbara Brooks read Ordinance No. 62-16 by title only, entitled:

**AN ORDINANCE AMENDING §256.04 AND §256.98 OF THE CODIFIED
ORDINANCES OF THE CITY OF AVON TO ABOLISH THE FULL-TIME,
UNCLASSIFIED POSITIONS OF FINANCE CLERK 2, METER TECHNICIAN AND
UTILITY BILLING CLERK 2
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. 62-16, 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 and 0 against and the Chairman declared the motion passed.

A motion was made by Mr. McBride and seconded by Mr. Fischer to adopt Ordinance No. 62-16, 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 and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 63-16 – TO ACCEPT IMPROVEMENTS IN ORCHARD TRAIL
SUBDIVISION NO. 6

Clerk Barbara Brooks read Ordinance No. 63-16 by title only, entitled:

**AN ORDINANCE TO ACCEPT IMPROVEMENTS IN
ORCHARD TRAIL SUBDIVISION NO. 6
AND DECLARING AN EMERGENCY**

The Chair declared this to be the first of three readings of Ordinance No. 63-16.

The discussion was: Mayor Jensen advised he may ask Council to have a Special Meeting on June 6, 2016 after the Work Session. He stated there have been several emails from residents asking the City to step in and do something. He said we have spoken with Mr. Batt and he is more than willing to try to help come up with a solution and he indicated they were working on that together in conjunction with Mr. Cummins. Mayor Jensen felt by the June 6th date they would have a more specific solution. He said with all the rain and the zika virus there was a lot of concerned residents as to why their backyard was not flowing through there and other areas and they were working through that and hopefully would be voting on it June 6th.

Mr. Cummins added Mr. Batt has been extremely helpful and proactive and they were working through the issue. He said they submitted a plan and would be getting back to him with some comments on that plan. Once they come to an agreement they would come back to Council for acceptance.

Mr. Butkowski as a matter of clarification stated that what was being recommended originally was to fix what is currently in place in addition to the build out.

Mr. Cummins agreed and said that Orchard Trail phase 5 and 6 both depicted on their approved plans that there would be drainage ways in the rear of some of the lots to carry water away. He said construction is now complete and now those drainage ways are not flowing as well as they could be. He further explained that Mr. Batt has formulated a plan where he would come in and clean out some debris. He said there was some construction or agricultural access points that have been left over and are to be removed and to basically get the water flowing again. He advised once they come to an agreement as to the extent of all of that was when they would be back reporting to City Council.

Mr. McBride inquired if any of those homes were built with rear yard drains.

Mr. Cummins stated he believed they all have rear yard drains. He said that certainly the back yards sheet away and that is the way they were designed in the subdivision plans. He advised in the subdivision plans they show them sheeting back and then a drainage swale being there with positive flow to take the water away and that is the point of contention at this point.

Mr. McBride inquired, since there is a drainage swale, if the Homeowner's Association would permanently be charged with maintaining that condominium space.

Mr. Cummins said yes, he believed all the areas in question are in common space on the properties.

Mr. McBride questioned if the Homeowner's Association was collecting sufficient funds for that type of maintenance.

Mayor Jensen advised the Homeowner's Association contention is that it was never right to begin with and that is just Mr. Batt's developments as there were others, but that is what they are looking at now with Mr. Cummins. He stated that previously the developer was also the builder and now they were seeing more and more of the developer coming in than the builder and then it becomes a "he said, she said" situation. He added they were trying to shore up these things and have a check list so we know who is responsible for what area. He said some of the issues were the exorbitant amount of rainfall, but some of the water is stagnant and the mosquito issue is a big concern for everybody.

Mr. McBride stated he knows there was someone working with the residents to establish rain barrels and Mayor Jensen responded to his inquiry that they would not be those blue plastic rain barrels.

Mr. Fischer inquired in this project if Mr. Batt was the developer or the builder to which Mayor Jensen replied he is the developer and he is not the builder and the reason they want to start at this step and try to correct issues as they arise.

Mr. Butkowski inquired if there is a mechanism we can put in place to hold builders accountable because residents were talking about construction debris that ends up in the culverts or other waterways. He said the residents alluded to it being over 100 lbs. of construction debris that needed hauled out.

Mayor Jensen stated we would get the developer first and then the builder and even the landscaper. He said everyone was always pointing the finger at someone else and now we will go right down the line on the punch list. He indicated before we would wait until the end and say it would all get done at once and that was not a good system and it is changing.

Mrs. Holtzmeier inquired as to what the debris was that people thought they saw in these areas. Mr. Butkowski said the one referred to him was construction debris whether it was wrap material or tarps or free floating debris from the construction. Mrs. Holtzmeier clarified they did not necessarily mean rocks to which Mr. Butkowski answered no they were not talking about rocks. Mayor Jensen advised sometimes they would see some of that stuff was not picked up once everything was in place.

ORDINANCE NO. 65-16 – REAPPROPRIATIONS

Clerk Barbara Brooks read Ordinance No. 65-16 by title only, entitled:

**AN ORDINANCE TO AMEND AND SUPPLEMENT APPROPRIATIONS
ORDINANCE NO. 150-15 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. 65-16, 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 and 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. 65-16, 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 and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 66-16 – TO AMEND SECTIONS OF CHAPTER 238 OF THE CODIFIED
ORDINANCES RE: DEPOSITS AND INVESTMENTS OF PUBLIC MONIES

Clerk Barbara Brooks read Ordinance No. 66-16 by title only, entitled:

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 238 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON RELATING TO DEPOSITS AND
INVESTMENTS OF PUBLIC MONEYS
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. 66-16, 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 and 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. 66-16, and the discussion was:

Mrs. Holtzmeier inquired if we could review the bold print added regarding the investment policy in 238.05 for the record. Mr. Gasior advised the last sentence in bold print states “**Council shall approve the contract of said investment advisor**”. Mr. Gasior stated that sentence is what was added based on a previous Work Session that Council shall approve the contract of the advisor. Mrs. Holtzmeier agreed and confirmed it was added to the ordinance stating should the city hire an investment advisor then Council would approve the agreement.

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 and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-12-16 – TO REQUEST THE COUNTY AUDITOR CALCULATE THE CURRENT TAX VALUATION FOR A .5 MILL RENEWAL LEVY FOR THE POLICE DEPARTMENT

Clerk Barbara Brooks read Resolution No. R-12-16 by title only, entitled:

A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE §5705.03(B)(1), CERTIFY TO THE CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A ONE-HALF (.50) MILL RENEWAL LEVY FOR THE AVON POLICE DEPARTMENT 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-12-16, 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 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-12-16, and the discussion was:

Mr. Logan stated he wanted to point out this was discussed in the Finance Committee meeting last week. He clarified this was the police renewal levy and the next three Resolutions were all different alternatives on the Fire Department Levy and he wanted to point out that all they are doing at this point is asking the County Auditor to certify what the tax valuations are in the differences in the millage. Mr. Logan stated the County usually gets back to us within 2-3 weeks.

Mr. Radcliffe as to the date the Auditor has to certify this in order to be on the ballot to which Mr. Logan replied at least 90 days prior to the election on November 8 so in this instance around late July or early August. Mr. Logan advised he would like to see Council pretty well squared away by that general session in July. Mr. Logan felt we should have these valuations back relatively quickly. Mr. Gasior advised he believes they have to respond within 14-21 days by statute.

Mr. Butkowski asked when the County looks at the current tax valuation of the City if that was based on what was built out today. Mr. Logan replied when they look at the tax valuation he does not believe they take into consideration the new construction for this year or any value changes. Mr. Butkowski clarified they would be based on the valuation as of December 31, 2015. Mr. Logan confirmed that to be his understanding as well. Mr. McBride stated that effectively by the time this is actually put into place and the monies are collected that it was an even further reduction because it was based on today's valuation. Mr. Logan advised he believed it was based on the valuations as they were the 1st of this year. Mr. Logan continued that with any of these levies whether renew or replace the first year of collection would be in 2018 because in 2017 we are still collecting on the existing levies. Mr. Logan agreed the valuations would be different by that point in time that the collection would begin for a new or replacement levy. Mr. McBride felt it would be a much more real improved property value to split that burden. Mr. Logan advised to an extent, but he asked them to keep in mind that commercial property does not come into this very often because of our tax increment financing agreements. Mayor Jensen added residential does increase the valuations and we added 200 new homes to which Mr. Logan agreed.

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 and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-13-16 – TO REQUEST THE COUNTY AUDITOR CALCULATE THE CURRENT TAX VALUATION FOR A .5 MILL REPLACEMENT LEVY FOR THE FIRE DEPARTMENT

Clerk Barbara Brooks read Resolution No. R-13-16 by title only, entitled:

A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE §5705.03(B)(1), CERTIFY TO THE CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 0.50 MILLS REPLACEMENT LEVY FOR THE AVON FIRE DEPARTMENT

AND DECLARING AN EMERGENCY

A motion was made by Mr. Radcliffe and seconded by Mr. Fischer to suspend the rules and act on Resolution No. R-13-16, 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 and 0 against and the Chairman declared the motion passed.

A motion was made by Mrs. Holtzmeier and seconded by Mr. Radcliffe to adopt Resolution No. R-13-16, 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 and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-14-16 – TO REQUEST THE COUNTY AUDITOR CALCULATE THE CURRENT TAX VALUATION FOR A .5 MILLS WITH A .05 (5/100) REDUCTION REPLACEMENT LEVY FOR THE FIRE DEPARTMENT

Clerk Barbara Brooks read Resolution No. R-14-16 by title only, entitled:

A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE §5705.03(B)(1), CERTIFY TO THE CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A ONE-HALF (.50) MILL REPLACEMENT LEVY WITH A DECREASE OF .05 MILLS TOTALING .45 MILLS, FOR THE AVON FIRE DEPARTMENT 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-14-16, 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 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-14-16, 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 and 0 against and the Chairman declared the motion passed.

RESOLUTION NO. R-15-16 – TO REQUEST THE COUNTY AUDITOR CALCULATE THE CURRENT TAX VALUATION FOR A .5 MILLS RENEWAL LEVY FOR THE FIRE DEPARTMENT

Clerk Barbara Brooks read Resolution No. R-15-16 by title only, entitled:

**A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR,
PURSUANT TO OHIO REVISED CODE §5705.03(B)(1), CERTIFY TO THE
CITY OF AVON THE TOTAL CURRENT TAX VALUATION OF THE CITY
AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A
ONE-HALF (.50) MILL RENEWAL LEVY FOR THE AVON FIRE DEPARTMENT
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-15-16, 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 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-15-16, 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 and 0 against and the Chairman declared the motion passed.

**RESOLUTION NO. R-16-16 – TO AMEND RESOLUTION NO. R-4-16 DECLARING THE
NECESSITY FOR THE CHESTER ROAD WIDENING PROJECT**

Clerk Barbara Brooks read Resolution No. R-16-16 by title only, entitled:

**A RESOLUTION AMENDING RESOLUTION NO. R-4-16 DECLARING IT
NECESSARY TO IMPROVE 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-16-16, 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 and 0 against and the Chairman declared the motion passed.

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

Mr. Gasior clarified that all they were doing is inserting the bold face language in section 6. He advised the form of the assessment is by proportion of the benefits that result from the

improvements. Mr. Gasior advised that language was not in the earlier Resolution, but he also wanted to add for clarification in Section one it states in Paragraph 6 of Resolution No. R-4-16 and he would like to add it was amended by Resolution No. R-9-16. Mr. Gasior stated they changed the date of the equalization meeting from April to May and being technical we should be amending both R-4-16 and R-9-16 and he wanted to insert that in the final draft.

The vote to adopt 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 and 0 against and the Chairman declared the motion passed.

ORDINANCE NO. 51-16 – TO AUTHORIZE AN AGREEMENT WITH SUEZ ENERGY RESOURCES TO SUPPLY ELECTRIC SERVICE TO VARIOUS CITY PROPERTIES

Clerk Barbara Brooks read Ordinance No. 51-16 by title only, entitled:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH GDF SUEZ ENERGY RESOURCES, NA, INC. (“SUEZ”) TO SUPPLY ELECTRIC SERVICE TO VARIOUS CITY PROPERTIES

The Chair declared this to be the second of three readings of Ordinance No. 51-16.

The discussion was: Mr. Logan stated that Mr. Gasior and he met with 2 representatives from Sustainable Energy Solutions. He added these are the people he has been working with to try to get an energy contract in place for a few of the City’s accounts. Mr. Logan advised there is a lot of good information he would like them to share with Council and he invited them to attend a Work Session of Council on June 6, 2016. He said these representatives would be giving a 15-20 minute justification of why the City would want to enter into a contract such as this and they would be talking about pricing for electric and natural gas through an aggregation program as he felt it would be beneficial for Council.

Mr. McBride asked if they could provide Council with a summary that could be attached to the contracts. Mr. Logan advised the representatives are not with SUEZ, but are a broker/consultant, but we could talk about that possibility.

REPORTS AND COMMENTS

Mayor Jensen

Mayor Jensen welcomed Ms. Brooks.

Mayor Jensen advised he had the opportunity to “Rock the Challenge” today at Holy Trinity. He said it was a special time and not only was the weather great, but he also got to see about 60 children shave their heads in support of one of the other children with cancer and that was a neat thing to see and for him to be a part of.

The Mayor read a Proclamation honoring Ms. Young for her 16 years of service with the City of Avon as a loyal, dedicated Clerk of Council since December 1999. During her tenure, Ellen saw the City grow from a population of 11,500 to over 22,000 residents. She was

instrumental in providing her sound experience and extensive knowledge while working with City Council and she went over and above what was required on many occasions to better serve the residents of the City. Her leadership and compassion for community service was evident during those times. Ellen's work with the recycling program was of special note as she worked tirelessly to promote recycling in the City generating revenue making it possible to purchase recycled items that are found throughout Avon including park benches and a pavilion at our Aquatic Facility. Ellen served the residents of Avon with unfailing integrity and dignity and professionalism and her career serves as a positive example to all those that serve the public. He, along with City Council, encouraged every official, employee and citizen of the City of Avon to join him in expressing their profound and sincere appreciation to **ELLEN YOUNG** for her devoted service and extended best wishes for a healthy and happy retirement.

Mayor Jensen said that everyone knew that Ellen was kind of a mother figure reminding them when something was due and she never let them forget their Ethics Financial Disclosure filing deadlines. He presented her with a wall plaque that stated "The work of a new season and the passing of another page".

Ms. Young received a standing ovation.

COUNCIL MEMBERS:

Ms. Berges, Ward 3 said this past Wednesday at the High School she attended a dedication ceremony for 3 of our Service Men from Avon who were killed during their time in the Armed Serves and one of the fallen soldiers was the brother of Rick Schneider, a City employee. She stated everyone was moved, not just the family members, but also seeing the veterans present and what it meant to them to see that kind of recognition. She felt it was such a wonderful ceremony for Avon. She advised there is the upcoming Memorial Day parade and ceremony at the cemetery and we again would see many more veterans and their families and it would again be a reminder of the sacrifices all of them have endured defending our country. Ms. Berges stated she has been impressed with Ms. Young and not just for what she has done for Council in keeping them on the straight and narrow, but the Proclamation really summed it up well. She commended Ms. Young for all her work with recycling and her knowledge of Solid Waste Management and that should not be minimized at all. Ms. Berges thanked her for all of her work with Pride Day throughout the City and the way she has gotten the groups to continue to come back every year speaks of her commitment to the City of Avon and how proud she is of the City and its residents. Ms. Berges stated it has been fun being a grandmother with her and she wished her good luck on her retirement.

Mr. Butkowski, Ward 1 thanked Ms. Young for everything she has done and not just for him personally, but for everything she has done for Council and the administration for the City of Avon. He felt she definitely left a very positive mark on the City whether at City Hall or throughout the community. He said she is definitely going to be missed. Mr. Butkowski thanked her for everything she has done for the city and on a personal note he thanked Ms. Young for the pavilion at the pool as his fair skin loves that.

Mr. Fischer, At Large advised he would like to echo Ms. Berges comments regarding the veteran's ceremony. He said it was a great turn out and nice to see so many people come out after so many years have passed. Mr. Fischer stated he did not previously know Mr. Schneider's

brother was one of the fallen soldiers and he felt it was nice to see the recognition. He complimented Ms. Corrao on the parade yesterday and said he received a lot of compliments on the field and he felt it was another successful year. Mr. Fischer addressed Ms. Young and stated some people walk into your life and you do not know how much you touch their lives. He stated he appreciated her professionalism and he can tell she has a passion for what she does and he appreciates that and he is going to miss her. He thanked Ms. Young and said to enjoy her retirement. To Ms. Brooks, Mr. Fischer said it is now her turn.

Mrs. Holtzmeier, At Large addressed Ms. Young and stated when something is tangible it is easy to define whether it is buildings or an area you can actually touch and Ms. Young has done that such as the pavilion. She continued that a lot of people do not know the recycling bin is part of your legacy. Mrs. Holtzmeier said if you live in an apartment you did not used to have a way to recycle and now you do because of her efforts. She advised Ms. Young has an intangible legacy as well and it is the codified ordinances of the City of Avon and it will continue to live because of her care. Mrs. Holtzmeier added if they call Ms. Brooks by the name Ms. Young it was a compliment to both. She finished with stating they were going to miss Ms. Young quite much.

Mr. McBride, Ward 2 commended the Police and Fire Chiefs for the exceptional job the Police and Fire Departments did this past week with the natural gas fire. He stated the Departments arrived on scene and took precautions and waited for Columbia Gas to arrive. Mr. McBride advised as first responders the Police and Fire were there and did their job and they did it well. He advised Ms. Young is the only person who has been on Council longer than he has. Mr. McBride advised he can remember showing up for meetings with other Council Presidents and Ms. Young was a constant. He relayed stories of busy dockets and long meetings and he asked her to enjoy her retirement and to enjoy her family in Colorado and he wished her luck.

Mr. Radcliffe, Ward 4 advised he would like to echo everyone else's sentiments and retirement was a time of celebrating and getting out and doing things and he wished Ms. Young all the best with her time with family and friends.

Mr. Witherspoon, Council President advised it is difficult to be the last one to follow all the other comments. He stated that Ms. Young always treated all the Council like family and more importantly she treated the City residents like family. Mr. Witherspoon said Ms. Young has gone above and beyond to answer that phone call to ease the pain or suffering of the constituents that call and for that the City Council is forever grateful for her efforts. Mr. Witherspoon thanked her personally as she made his job very easy over the years.

ADMINISTRATION:

Ms. Corrao, Parks and Recreation Director advised there are 2 very nice Eagle Scout projects going on in the City this weekend. She stated the first one was with Kollin Erskine, who did some enhancements to the Veteran's Memorial at the Veteran's Memorial Park with the addition of a plaque in the planter where all the flags are displayed. In addition, she stated this same Eagle Scout was building different benches at the Memorial Park. She stated that each scout when applying for their Eagle Scout designation have to put together a proposal and seek

donations and approvals in order to complete their projects. Ms. Corrao said the Scouts were so thrilled that Mayor Jensen stopped by this past weekend and spoke with them about their project. Ms. Corrao advised that for the second project Patrick Bergen did a lot of work for the Safety Town as it was starting to look weathered and old. She said they rebuilt some of the “town’s” buildings and painted new lines and arrows and cleaned up the railroad tracks and repainted the shed and replaced shingles and eliminated mold and planted flowers and it looks fantastic. Ms. Carrao thanked Ms. Young for all of her hard efforts as the City has received tens of thousands of dollars in playground equipment and flooring in the parks because of her recycling efforts as well as picnic tables and planters. She said those recycling funds were such an asset and the City did not have to come up with the money in order to have those items and they are used constantly every day throughout the City parks. She thanked Ms. Young very much and she was sure her father was going to be thrilled to have her with him and she wished Ms. Young the best of luck in Colorado.

Mr. Cummins, City Engineer welcomed his daughter Sarah to the meeting tonight and advised she was present to do some research for a high school paper she was working on. He thanked Ms. Young and said she has been such a help to him in his time here and he wished her all the best in the next chapter.

Mr. Farmer, Service Director echoed the sentiments shared by the others regarding Ms. Young. He stated that whenever he needed help with an issue whether it was with Republic Services or something else she always come through for him. He advised the things she has done for the City have been phenomenal and he wished her nothing but the best in her retirement. He was certain her dad would be happy to have you with him. Mr. Farmer said for her to enjoy her retirement and said that it has been a pleasure to work with her.

Ms. Fechter, Economic Development/Planning Coordinator stated she has plenty of more days to say goodbye to Ms. Young, but it has been fun. She thanked Ms. Young for everything she taught her and she knows she is going to enjoy spending time with her family.

Mr. Gasior, Law Director said as he was sitting here thinking about the years he has worked with Ms. Young it occurred to him that they have probably written 3,000 Ordinances and Resolutions over the last 14 years or so. Mr. Gasior said it has been great and he wished Ms. Young the best of luck as she pursues her retirement. Mr. Gasior thanked Ms. Young for everything she has helped him with and he thanked her for putting up with him.

Mr. Logan, Finance Director echoed the other sentiments said tonight regarding Ms. Young as it was all said very well and he would wait until Friday to say goodbye. He felt it would be a good thing for her to move to Colorado to be with family and he wished her well. Mr. Logan advised he wanted to comment on the Water/Sewer Rate Increase Ordinances which were removed from the agenda tonight as the reason had nothing to do with the rates themselves, but they need to change up the wording. He explained we are now billing everyone monthly whether or not they have the new water meter. He added that the water meter change out program was progressing well and they were not quite halfway through the City. Mr. Logan said the Ordinances for the water and sewer rate changes would be back on the Work Session Agenda on June 6th and hopefully acted upon on June 13th.

Ms. Young, retiring Clerk of Council stated she is not at a loss for words, but she was not sure where to start. She knows that as a human being she could not think of many women luckier than herself. She said that what she has learned through her time here has been more significant than at any other point in her life thus far; her time here at City Hall has taught her more about what is precious to her than at any other point in her life and everybody in this room is a part of that. She stated she has come to a pretty good understanding of what is important in life and she has known for a long time that it is people. She continued that she knows she has made connections here that she will carry with her everywhere she goes for as long as she draws breath. Ms. Young felt that each of them have touched her in a different way and she is honored to have had the sixteen years here and she did not expect it to end this soon, but she knows it is exactly the right time to go and the right thing to do. Ms. Young advised to bring to a close with each of them and the support they have been to her and the understanding they have shown her and the path they have traveled with her she felt lucky to be a part of such a wonderful group of people surrounding her. She said she could not express to them just how much she appreciates everyone here and the opportunities she has been given here in Avon and she is honored. Ms. Young thanked them profusely.

AUDIENCE:

Pat Jankowski wished Ms. Young a safe journey and said that the City was losing a gem.

ADJOURN

A motion was made by Mr. McBride and seconded by Mr. Butkowski to adjourn the Regular Meeting of Council, and the vote was unanimous in favor.