

**MINUTES OF THE SPECIAL MEETING OF THE COUNCIL  
OF THE CITY OF AVON, OHIO, HELD TUESDAY, SEPTEMBER 6, 2016  
IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING  
IMMEDIATELY FOLLOWING THE WORK SESSION**

The Chairman, Council President Pro Tem Bob Butkowski, called the meeting to order and led the Pledge of Allegiance.

**PRESENT**

Council Members: 3<sup>rd</sup> Ward – Mary Berges; 1<sup>st</sup> Ward – Bob Butkowski; Council-at-Large – Brian Fischer; Council-at-Large – Tammy Holtzmeier; 2<sup>nd</sup> Ward – Dennis McBride; 4<sup>th</sup> Ward – Scott Radcliffe; Mayor – Bryan Jensen; Parks Director – Diane Corrao; City Engineer – Ryan Cummins; Service Director – Mike Farmer; Law Director – John Gasior; Finance Director – William Logan; Clerk of Council – Barbara Brooks

**ABSENT**

Council-at-Large – Craig Witherspoon  
Planning and Economic Development Coordinator - Pam Fechter

**EXECUTIVE SESSION**

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to enter into Executive Session to discuss the Sale of Municipal Property and to Discuss Pending Litigation, and the vote was: Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Mr. Butkowski, “yes”.

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

**RECONVENE**

A motion was made by Mr. McBride and seconded by Mrs. Holtzmeier to Reconvene the Special Meeting of Council, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “yes”.

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

**ORDINANCE NO. 93-16 - TO IMPOSE A MORATORIUM RELATING TO MEDICAL MARIJUANA RETAIL SALES IN THE CITY OF AVON**

The Clerk read Ordinance No. 93-16 by title only, entitled:

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE  
ESTABLISHMENT, DEVELOPMENT AND CONSTRUCTION OF ANY BUILDING,**

**STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE IN ORDER TO ALLOW THE CITY ADMINISTRATION, PLANNING COMMISSION AND CITY COUNCIL TIME TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND REGULATIONS ALONG WITH THE CITY'S CODIFIED ORDINANCES RELATIVE TO SUCH ACTIVITY 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. 93-16, and the vote was: Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Fischer, "yes"; Mr. Butkowski, "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 Ms. Berges to adopt Ordinance No. 93-16, and the vote was: Mr. McBride, "yes"; Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Fisher, "yes"; Mrs. Holtzmeier, "yes"; Mr. Butkowski, "yes".

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

**ORDINANCE NO. 94-16 – TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE SALE OF MUNICIPAL PROPERTY**

The Clerk read Ordinance No. 94-16 by title only, entitled:

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT TO SELL MUNICIPAL PROPERTY TO THE BOARD OF PARK COMMISSIONERS, LORAIN COUNTY METROPOLITAN PARK DISTRICT 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. 94-16, and the vote was: Mr. Radcliffe, "yes"; Ms. Berges, "yes"; Mr. Fischer, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Butkowski, "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. Fischer to adopt Ordinance No. 94-16, and the vote was: Ms. Berges, "yes"; Mr. Fisher, "yes"; Mrs. Holtzmeier, "yes"; Mr. McBride, "yes"; Mr. Radcliffe, "yes"; Mr. Butkowski, "yes".

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

**RESOLUTION NO. R-24-16 – TO APPLY FOR A GRANT THROUGH OPWC FOR BRIAR LAKES PUMP STATION ABANDONMENT**

The Clerk read Resolution No. R-24-16 by title only, entitled:

**A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A GRANT APPLICATION TO AND EXECUTE NECESSARY CONTRACTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE BRIAR LAKES PUMP STATION ABANDONMENT PROJECT AND DECLARING AN EMERGENCY**

A motion was made by Mr. McBride and seconded by Mr. Radcliffe to suspend the rules and act on Resolution No. R-24-16, and the vote was: Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Butkowski, “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-24-16, and the vote was: Mrs. Holtzmeier, “yes”; Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mr. Butkowski, “yes”.

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

**ADJOURN**

A motion was made by Mr. McBride and seconded by Mr. Fischer to adjourn the Special Meeting of Council, and the vote was: Mr. McBride, “yes”; Mr. Radcliffe, “yes”; Ms. Berges, “yes”; Mr. Fischer, “yes”; Mrs. Holtzmeier, “yes”; Mr. Butkowski, “yes”.

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