

ORDINANCE NO. 41-20

**AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE AVON LOCAL SCHOOL
DISTRICT TO DELAY PRESENTATION OF THEIR FINAL DEVELOPMENT PLAN
REVIEW BY THE AVON PLANNING COMMISSION
AND DECLARING AN EMERGENCY**

WHEREAS, due to the onset of the pandemic caused by COVID-19 and the State of Emergency declared by Governor DeWine and the subsequent Orders issued by Ohio's Director of Health, the Planning Commission meeting for April, 2020 had to be postponed to May 20th, 2020; and

WHEREAS, the Avon Local School District (Avon Schools) is currently in the process of obtaining Final Development Plan approval by the Avon Planning Commission, pursuant to ACO §1228.11, for its Performing Arts Center; and

WHEREAS, to allow for this essential construction to continue to move forward during the period of this postponement, the City and the Avon Schools have entered into a Memorandum of Understanding setting forth the agreement between them on how the project will move forward until such time as the Planning Commission can act; and

WHEREAS, Council, having reviewed the Memorandum of Understanding, deems it desirable and in the best interests of the health, safety and welfare of the citizens of Avon to authorize the Mayor to enter into said MOU with the Avon Schools recognizing the need of the Avon Schools to move forward with their important project without formal Final Development Plan approval by Planning Commission until such time as it is determined that the Planning Commission can once again begin conducting its business without jeopardizing the health of our citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City, through the office of the Mayor, is hereby authorized to execute a Memorandum of Understanding with Avon Local School District, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, allowing the Avon Schools to proceed with the construction of the Performing Arts Center at the Avon High School during the State of Emergency. The Avon Schools will appear at the next scheduled Planning Commission meeting and seek to obtain Final Development Plan approval.

Section 2 - That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, health, safety, and welfare of the citizens of the City of Avon, Ohio, the immediate emergency being the necessity to enter into a Memorandum of Understanding with the Avon Local School District to allow for the School to commence timely construction of its Performing Arts Center at the Avon High School campus; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____

In five places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director