VOTING ORDER

J. Shondel
D. Bucci
J. Fenderbosch
R. James
D. Kos
L. Meiners
M. O'Donnell

CITY OF AVON LAKE
150 AVON BELDEN ROAD
AVON LAKE, OHIO

The following business is to be considered at the regular meeting of the Avon Lake City Council on August 22, 2016 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

Roll Call: **Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.**

Approval of Minutes: **July 11, 2016 Regular Council Meetings as prepared and published.**

Public Hearings:

Rezoning of property at Walker Road and Taylor Avenue PPN 04-00-006-135-117 and PPN 04-00-006-135-113 from B-2 General Commerce to R-3 Multi-Family Residence.

Historic landmark designation of the Hubbard-Duerk House located at 549 Avon Belden Road.

Correspondence

Reports

- Mayor
- Council President
- Public Works Director
- Director of Law
- Director of Finance
- Standing Committees
- Special Committees

Audience Participation

Motions:

Instructing the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor license transfer from J B Will, Inc dba Stella's Restaurant, to Just 1 More Yr – D. Kos.

Instructing the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a stock transfer for Zak Pac Inc., dba Johnny Malloy's – D. Kos.

Legislation

Third Readings:

Temporary Legislation #10709, amending the General Fee Schedule eliminating the bicycle license fee.

Temporary Legislation #10710, amending Codified Ordinance Section 474.12, License Application; Fee.

Temporary Legislation #10716R, authorizing the Mayor to execute an agreement to the lease with Heritage Avon Lake for the leasing of Assembly Hall.

Second Readings:

Temporary Legislation #10706, rezoning of property at Walker Road and Taylor Avenue.

Temporary Legislation #10708R, designation of the Hubbard-Duerk House located at 549 Avon Belden Road as a historic landmark.

First Readings:

Temporary Legislation #10724, designation of the Satter Homestead as a historic landmark.

Temporary Legislation #10725, providing for the continued defense of the City in an action filed by James E. Pietrangelo, II.→

Temporary Legislation #10726, providing for the transfer of funds.→

Temporary Legislation #10727, amending Codified Ordinance Section 220.26, entitled Subpoenas.

Temporary Legislation #10728, awarding a contract for the Fairfield Area Sewer

→Suspension of the rule requiring three readings

Separation Project.→

Miscellaneous Business and Announcements

Public Input

Executive Session

In compliance with Ohio Revised Code Section 121.22, Council will adjourn to Executive Session to discuss the discipline of a public employee.

Reconvening of Open Council Meeting

Adjournment

→Suspension of the rule requiring three readings

BY: Mr. Kos TEMP NO: 10709

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01,(d)(1), OF THE GENERAL FEE, SCHEDULE.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Section 208.01 (d)(1), of the General Fee Schedule to eliminate the fee for a bicycle license, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 208.01 (d)(1)is hereby amended as follows:

(d) Finance Department

(1) Bicycle License ~~$1.00~~ **No Charge**

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 06/27/16
2nd reading: 07/11/16
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos TEMP NO: 10710

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 474.12, LICENSE APPLICATION; FEE.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Section 474.12, License Application; Fee to eliminate the fee for a bicycle license, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 474.12 is hereby amended as follows:

474.12 LICENSE APPLICATION~~; FEE.~~

Application for a bicycle license and license decal shall be made upon a form prescribed by the City and directed to the **Safety Director or his designee.** ~~Director of Finance. Upon the receipt of the license fee set forth in *Chapter 208* of the Administration Code - the General Fee Schedule, payable to the City, a license shall be granted. All fees so paid shall be paid into the General Fund~~. The license shall remain in force without necessity of renewal until such time as the licensed bicycle is sold, given away or in any other way changes ownership.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 6/27/16
2nd reading: 7/11/16
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. James TEMP NO: 10716R

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEASE WITH ~~THE LANDMARK PRESERVATION SOCIETY~~ **HERITAGE AVON LAKE** FOR THE LEASING OF ASSEMBLY HALL AT VETERANS MEMORIAL PARK.

WHEREAS, ~~the Avon Lake Landmark Preservation Society~~ **Heritage Avon Lake** entered into a long-term lease agreement with the City of Avon Lake for Assembly Hall at Veterans Memorial Park, to permit it to undertake a renovation and restoration plan to restore, renovate, and maintain Assembly Hall, as much as is possible in its original condition and architecture, and

WHEREAS, said lease currently expires on August 1, 2026, and

WHEREAS, in order to complete the renovation project, ~~the Landmark Preservation Society~~ **Heritage Avon Lake** has requested that the lease be extended by one year to expire on August 1, 2027, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor is hereby authorized and directed execute an amendment to the lease of Assembly Hall at Veterans Memorial Park to extend the term of the lease by one year.~~which lease is attached hereto.~~

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 06/27/16
2nd reading: 07/11/16
3rd reading:

PASSED: _____ _____

President of Council

POSTED: _____ _____

Approved

ATTEST: _____ _____

Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10706

ORDINANCE NO. _____

AN ORDINANCE TO REZONE PROPERTY AT WALKER ROAD AND TAYLOR AVENUE.

WHEREAS, Planning Commission has at its meeting of June 7, 2016 approved a request to rezone property at Walker Road and Taylor Avenue, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That 1.12 acres and 1.18 acres of property at Walker Road and Taylor Avenue, described in Exhibits A, as attached hereto and made a part of, which is presently zoned B-2 General Commerce, be and it is hereby zoned as R-3 Multi-Family Residence.

Section No. 2: That the official zoning map and Zoning Code of the City of Avon Lake be, and it is hereby amended accordingly, and the Municipal Engineer is directed to make the necessary changes thereto.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/27/16
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

EXHIBIT "A"

Situated in the City of Avon Lake, County of Lorain, and State of Ohio, and known as being part of Original Avon Township Section Number 6, and being further bounded and described as follows:

Beginning at an iron pin monument on the centerline of Walker Road, varying width, at its intersection with the centerline of Moore Road, 60 feet wide;

Thence N 86°-36'-25" W along the said centerline of Walker Road, a distance of 503.23 feet to a point;

Thence N 3°-32'-37" E a distance of 50.00 feet to a capped ½" iron pin set on the northerly sideline of Walker Road and the southeasterly corner of land conveyed to S. B. Holdings LTD by deed dated August 17, 2001 and recorded in Document No. 20010771980 of Lorain County Records, and the southwesterly corner of land conveyed to the City of Avon Lake by deed dated August 17, 2001 and recorded in Document No. 20010771981 of Lorain County Records, and the principal place of beginning of the parcel herein intended to be described;

COURSE 1: Thence N 86°-36'-25" W along the said northerly sideline of Walker Road, a distance of 192.25 feet to a capped ½" iron pin set;

COURSE 2: Thence N 3°-23'-35" E a distance of 21.00 feet to a capped ½" iron pin set;

COURSE 3: Thence N 0°-38'-07" W a distance of 71.18 feet to a capped ½" iron pin set;

COURSE 4: Thence N 3°-23'-35" E a distance of 158.00 feet to a capped ½" iron pin set;

COURSE 5: Thence S 86°-36'-25" E a distance of 222.90 feet to a capped ½" iron pin set;

COURSE 6: Thence S 3°-32'-37" W a distance of 92.56 feet to a capped ½" iron pin set on a southerly line of said land so conveyed to S. B. Holdings LTD; said point being distant N 86°-23'-16" W 202.23 feet, measured along said southerly line from the southeasterly corner thereof; said point also being on the northerly line of said land conveyed to the City of Avon Lake by deed recorded in Document No. 20010771981;

COURSE 7: Thence N 86°-23'-16" W along the said southerly line of land conveyed to S. B. Holdings LTD and the said northerly line of land conveyed to the City of Avon Lake, a distance of 25.00 feet to a capped ½" iron pin set at the northwesterly corner thereof;

COURSE 8: Thence S 3°-32'-37" W along the easterly line of said land conveyed to S. B. Holdings LTD and the westerly line of said land conveyed to the City of Avon Lake, a distance of 157.54 feet to the place of beginning, but subject to all legal highways, and containing 1.1805 acres (51,424 square feet) of land according to a survey by **CAPITOL SURVEY COMPANY** dated May 20, 2002, by Ralph M. Gugar, Registered Surveyor No. 7949.

LORAIN COUNTY TAX MAP DEPT
P.P. NO. 04-00-006-135-113 tam

EXHIBIT "A"

Situated in the City of Avon Lake, County of Lorain, and State of Ohio, and known as being part of Original Avon Township Section Number 6, and being further bounded and described as follows:

Beginning at an iron pin monument on the centerline of Walker Road, varying width, at its intersection with the centerline of Moore Road, 60 feet wide;

Thence N 86°-36'-25" W along the said centerline of Walker Road, a distance of 730.35 feet to a point;

Thence N 3°-23'-35" E a distance of 50.00 feet to a capped ½" iron pin set on the northerly sideline of Walker Road, and the principal place of beginning of the parcel herein intended to be described;

COURSE 1: Thence N 86°-36'-25" W along the said northerly sideline of Walker Road, a distance of 190.65 feet to a capped ½" iron pin set at the southwesterly of land conveyed to William Thomas Communities, Inc. by deed dated January 3, 2002 and recorded in Document No. 20020801319 of Lorain County Records; said point also being on the easterly line of land conveyed to The Cleveland Electric Illuminating Company by deed dated August 19, 1966 and recorded in Volume 931, Page 818 of Lorain County Records;

COURSE 2: Thence N 0°-41'-41" E along the said westerly line of land so conveyed to William Thomas Communities, Inc., and along the said easterly line of land so conveyed to The Cleveland Electric Illuminating Company, a distance of 27.16 feet to a capped ½" iron pin set at an angle therein;

COURSE 3: Thence N 3°-08'-33" E along the said westerly line of land so conveyed to William Thomas Communities, Inc., and along the said easterly line of land so conveyed to The Cleveland Electric Illuminating Company, a distance of 222.87 feet to a capped ½" iron pin set;

COURSE 4: Thence S 86°-36'-25" E a distance of 197.90 feet to a capped ½" iron pin set;

COURSE 5: Thence S 3°-23'-35" W a distance of 158.00 feet to a capped ½" iron pin set;

COURSE 6: Thence S 7°-25'-17" W a distance of 71.18 feet to a capped ½" iron pin set;

COURSE 7: Thence S 3°-23'-35" W a distance of 21.00 feet to the place of beginning, but subject to all legal highways, and containing 1.1258 acres (49,040 square feet) of land according to a survey by CAPITOL SURVEY COMPANY dated May 20, 2002, by Ralph M. Gugar, Registered Surveyor No. 7949.

04-00-006-135-117 tam

BY: Mrs. Fenderbosch TEMP NO: 10708R

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE ~~MILDRED~~ **HUBBARD-**DUERK HOUSE LOCATED AT 549 AVON BELDEN ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of June 7, 2016, recommended to Council that the ~~Mildred~~ **Hubbard-**Duerk House located at 549 Avon Belden Road, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the ~~Mildred~~ **Hubbard-**Duerk House has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, early plat documents of record indicate that the Hubbard-Duerk home was built circa 1850, and

WHEREAS, residents raised in Avon Lake remember it as a house with a large orchard with a barn and outbuildings where produce was sold before the property was parceled, and

WHEREAS, historic preservation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake does hereby grant the ~~Mildred~~ **Hubbard-**Duerk House located at 549 Avon Belden Road the designation of Historic Landmark.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 06/27/17
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10724

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE SATTER HOMESTEAD LOCATED AT 32259 WALKER ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of August 2, 2016, recommended to Council that the Satter Homestead located at 32259 Walker Road, currently owned by Hans & Judith Kuenzel, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Satter Homestead has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, the house dates back to 1874 as shown on an atlas map, and was built of field stone and hand hewn beams, and

WHEREAS, the house is the third oldest house on Walker Road, and at one time had been used as a dance hall, a tavern, a store, and a private home, and

WHEREAS, historic preservation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake does hereby grant the Satter Homestead House located at 32259 Walker Road the designation of Historic Landmark.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading:
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Meiners TEMP NO: 10725

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JAMES E. PIETRANGELO, II, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake wishes Porter, Wright, Morris and Arthur LLP to continue to act as co-counsel in the defense the City in an action filed by James E. Pietrangelo, II, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the law firm of Porter, Wright, Morris and Arthur LLP is hereby authorized and directed to continue to defend and prepare on behalf of the City of Avon Lake and its departments and employees the legal proceedings necessary in connection with an action filed by James E. Pietrangelo, II against the City of Avon Lake.

Section No. 2: That Margaret Koesel and Tracey Turnbull of Porter, Wright, Morris and Arthur, LLP, Special Assistant Law Directors for this matter, are authorized to continue in the defense of the City of Avon Lake.

Section No. 3: That the necessary expenses for said representation be paid upon approval voucher submitted therefore, in an amount not to exceed $10,000.00.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of preparing and filing the necessary legal proceedings in a timely manner to defend the City and uphold the laws and regulations of the City, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Meiners TEMP NO: 10726

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Finance Director that certain transfers of funds are needed, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following transfers be executed for the month of August:

From	204	Income Tax Transfer Fund	$759,375.00
To	101	General Fund	$609,375.00
To	207	Income Tax Capital Improvement Fund	$62,500.00
To	301	Bond Retirement (Unvoted) Fund	$87,500.00

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of transferring funds for the current and necessary expenses of the City of Avon Lake, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____ _____
Council President

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. James TEMP NO: 10727

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 220.26, ENTITLED SUBPOENAS.

WHEREAS, the Public Works Committee recommended an amendment to Codified Ordinance Section 220.26, entitled Subpoenas, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 220.26 is hereby amended as follows:

220.26 SUBPOENAS

Subject to the limitations imposed by Section 268.02 of the Codified Ordinances, Council shall have the power to subpoena witnesses and books, documents, records or other evidence at the request of any member of Council **for the purpose of investigating charges against an officer or employee.** Upon motion adopted by Council, the President of Council or, in his or her absence or unavailability, the President Pro Tem shall sign any subpoena to be issued pursuant to this section, and such subpoena shall be served and executed by any person authorized to serve subpoenas, and in the manner required, by Rule 45 of the Ohio Rules of Civil Procedure. The return of such subpoena shall be filed with the Clerk of Council. The Director of Law, the Assistant Director of Law or in their absence or unavailability any member of Council may administer the requisite oaths to witnesses, and Council shall have the same power to compel the giving of testimony by the attending witnesses as is conferred upon courts of justice. In all such cases, witnesses shall be entitled to the same privileges, immunities and compensation as are allowed witnesses in civil cases, and the cost shall be paid from the General Fund of the Municipality. Any person who refuses to obey a subpoena issued pursuant to this subsection or to testify in response to such subpoena shall be guilty of contempt of Council, a misdemeanor of the third degree.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of clearly defining subpoena powers of Council to be consistent with the Avon Lake Charter. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____

BY: Mrs. Fenderbosch TEMP NO: 10728

ORDINANCE NO. _____

AN ORDINANCE AWARDING A CONTRACT FOR THE FAIRFIELD AREA SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Avon Regional Water has prepared plans and specifications for the Fairfield Area Sewer Separation Project, which have been and are now on file at the Municipal Utilities Building, and

WHEREAS, Avon Lake Regional Water has caused notice to be given as provided by law, inviting bids for construction of said improvements, with bids having been received, opened and tabulated as provided by law, and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Underground Utilities, Inc. of Monroeville, Ohio, is the lowest and best responsive bid and is acceptable to this Council, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Underground Utilities, Inc. of Monroeville, Ohio (hereafter referred to as "Contractor") for the Fairfield Area Sewer Separation Project for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $14,369,855.70, with $7,602,102.85 being the City's portion.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $14,369,855.70 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

1st reading:
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor