

ORDINANCE NO. 52-20

AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE CONCESSIONS AGREEMENT BETWEEN THE BIG SHOW LTD. AND THE CITY OF AVON ENTERED INTO ON MAY 8, 2017 PURSUANT TO ORDINANCE NO. 36-17 AND DECLARING AN EMERGENCY

WHEREAS, the Avon Aquatic Facility has been in operation since July, 2015; and

WHEREAS, City Council passed Ordinance No. 80-15 on July 13, 2015 to authorize the Mayor to contract with The Big Show, Ltd. as the exclusive food concessionaire at that facility through the 2016 season; and

WHEREAS, Council authorized the Administration to extend this concessions contract to include concessions at Veterans Park, Little League Park and Schwartz Road Park for the balance of the 2017 and 2018 seasons in Ordinance 36-17 passed May 8, 2017; and

WHEREAS, City Council further authorized the Administration to extend the concessions contract to include the 2019 and 2020 recreation seasons pursuant to Ordinance No. 9-19 which passed on February 11, 2019; and

WHEREAS, with the Governor's declaration of a state of emergency and the various orders issued by the State's Director of Health and the Center for Disease Control designed to control the spread of the COVID-19 virus during this pandemic, the Administration decided to close the Avon Aquatic Facility for the 2020 season. In addition, many other recreational activities in the various city parks will be discontinued or severely curtailed in 2020; and

WHEREAS, the closure of the Aquatic Facility and the potential for disruptions in the normal usage of Avon's public parks, The Big Show's services to the City for the 2020 outdoor recreation season will be significantly reduced.

WHEREAS, because the Administration has been satisfied with the services provided by The Big Show in operating the concessions stands through the years, it recommends to Council that the Agreement be extended for a one (1) year through the 2021 season; and

WHEREAS, Council, taking into account the extraordinary events brought about by the coronavirus pandemic and having been fully informed on the operations of the concessions and having received no major complaints from residents or other visitors to the parks, finds it to be in the best interests of the health, safety and welfare of the citizens of Avon to extend the Agreement for the 2021recreation season.

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

Section 1 - That the Mayor is hereby authorized to extend the current Concessions Agreement with The Big Show, Ltd., an Ohio Limited Liability Company, dba "The Big Show" in substantially the form set forth in Ordinance No. 36-17, a copy of which is attached hereto as Exhibit A and incorporated herein, through the 2021 recreation seasons.

Section 2 - That it 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 that 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 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the Mayor to extend the current Concessions Agreement with The Big Show, Ltd. through the 2021 recreation season due to the COVID-19 pandemic; 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, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara J. Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

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