

ORDINANCE NO. 35-22

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 Center, which has been in operation since July, 2015; has its own concession stand built into the facility; 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, on May 8, 2017, City Council passed Ord. No. 36-17 and further authorized the Administration to extend the concessions contract at the Aquatic Center through 2018 with The Big Show at the Aquatic Facility and in an addendum to the original agreement added the concessions at Veterans' Park, Schwartz Road Park, and Little League Park; and

WHEREAS, Council subsequently passed Ord. No. 9-19 and Ord. No. 52-20 to extend The Big Show contract through 2021;

WHEREAS, because the Administration has been satisfied with the services provided by The Big Show in operating the pool concession stand through the years, the Administration recommends extending The Big Show contract for 2022 but only for the Aquatic Center's concession and for the area immediately outside the Center during swimming events; and

WHEREAS, Council, taking into account the extraordinary events over the past two years, and having been fully informed on the operations of the concessions and receiving no major complaints from residents or other visitors to the pool, 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 2022 at the City's Aquatic Center.

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 through 2022 with The Big Show, Ltd., an Ohio Limited Liability Company, dba "The Big Show" in substantially the form set forth in the attached [Exhibit A](#), a copy of which is attached hereto and incorporated herein.

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.

Ordinance No. 35-22 (Con't.)

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 2022 as soon as possible in advance of the upcoming pool season; 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