

ORDINANCE NO. 47-22

**AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO
RECONCILE RECEIPTS AND DISBURSEMENTS WITH
BLUE DOG BASEBALL, LLC FOR THE 2021 SEASON
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ordinance No. 79-08, the City entered into a Lease Agreement with Avon Baseball, LLC, owners of the Lake Erie Crushers, to play their games at the baseball complex owned by the City at the corner of Baseball Blvd. and Recreation Lane; and

WHEREAS said lease is to run from June of 2008 to October 31, 2024; and

WHEREAS, pursuant to Ordinance No. 162-15, Council authorized the transfer of said Lease from Avon Baseball, LLC to Blue Dog Baseball, LLC , after Blue Dog purchased the team in December of 2015; and

WHEREAS, pursuant to Ordinance No. 23-19, which passed on February 25, 2019, Council authorized the 1st Amendment to said Lease with Blue Dog Baseball, LLC which covered, among other things, the formula for sharing in the Team's advertising revenues; and

WHEREAS, during the COVID-19 pandemic, the Administration and Blue Dog recognized the need for additional amendments to the Lease and modified rent payments for the year of 2020, extended the lease through October 31, 2025; agreed to replace the turf (see, Resolution R-19-19); and made adjustments to Tenant's minimum Net Advertising-Sponsorship Revenues for the year 2020; and

WHEREAS, the City's plan to install turf after the 2021 baseball season did not materialize and Blue Dog Baseball lost rental revenues during the month of October; and

WHEREAS, the Administration desires to recognize Blue Dog Baseball's loss of revenue in the amount of \$11,000 (See [Exhibit A](#)) and to offset that against the City's minimum sign revenue of \$30,000 for that same year, yielding a payment to the City of a total of \$19,000. Said sum will be deposited into Stadium Highway Marquee Fund No. 284 for future capital improvements.

WHEREAS, Council, having reviewed the proposed reconciliation, finds it to be fair and equitable to both the City and the Lessee and that authorizes the Administration to accept said amount as in the best interests of the health, safety and welfare of the citizens of Avon.

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

Section 1 - That the Administration is hereby authorized to offset Eleven Thousand Dollar (\$11,000.00) against the Thirty Thousand Dollars (\$30,000.00) in revenue due from Blue Dog Baseball, LLC for sign rentals for the year 2021 and to deposit the net amount of Nineteen Thousand Dollars (\$19,000.00) into the Stadium Highway Marquee Fund No. 284 for future capital improvements.

Section 2 – No provisions of the existing lease shall be affected.

Section 3 - 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 4 - 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 reconcile receipts and expenses with Blue Dog Baseball for the 2021 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

