

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 23, 2012**

The regular meeting of the Avon Lake Municipal Council was called to order on April 23, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Rob James, Larry Meiners, Martin O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the March 26, 2012 Regular Council Meeting and the April 2, 2012 Rescheduled Council Meeting were approved as prepared and published.

CORRESPONDENCE

A letter was received from Thomasina Patton of TBP Avon Lake requesting suspension of the rule requiring three readings and emergency passage of a conditional use permit for a cheerleading/tumbling school to be located at Arts Town Shopping Center.

MAYOR'S REPORT

The Mayor attended the 2012 Ohio Basic Economic Development Course in Columbus from April 11th to April 13th. The course included sessions on strategic planning, community development, finance incentive programs, ethics, business attraction, work force development, and real estate development.

The Mayor and the Engineering Department Manager met with Alan Beal of ODOT to review the status of Avon Lake regarding future projects. There is a new program for road improvements under the Jobs Creation Retention Program. Funding is limited as the revenue generated from gasoline tax has remained flat over the past year.

The EMS billing contract will expire in July. The Law Director and Safety Committee will review the contract.

The Lorain City Health Contract will expire at the end of July. Mayor Zilka and Mayor Ritenauer of Lorain agreed to write proposals for a possible one year

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contract. The Lorain County Health Department will not pursue a merger with the Health Departments of the City of Elyria and the City of Lorain. Each jurisdiction needs to assess its own situation before a multi-year proposal is considered.

The Love-a-Stray fun run and walk will take place on April 29th at the Towne Center Shopping Center.

The Avon Lake Presbyterian Church will hold a monthly luncheon open to all residents beginning May 17th from 11:30 A.M. to 1:30 P.M. On the third Thursday of each month, the church will provide a free lunch.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell made the following announcements.

April 30th is the fifth Monday of the month and no Council meeting is scheduled.

The next Collective Committee meeting is scheduled for May 7th. The next regular Council meeting is scheduled for May 14th.

There is a vacancy on the Environmental Affairs Advisory Board. Interested candidates should send a letter of interest and resume to the Clerk of Council at 150 Avon Belden Road or e-mail to bdopp@avonlake.org.

LAW DIRECTOR'S REPORT

The Law Department report on pending litigation was distributed.

ENVIRONMENTAL COMMITTEE REPORT

A joint meeting between the Environmental Committee and Safety Committee is scheduled for April 26th at 6:30 P.M. in the Council Chamber. The following topics will be discussed: the proposed ordinance prohibiting the feeding of deer; and recommendations from the EAAB relating to the Miller Road Park beach and a proposed deer management program.

The next EAAB meeting is scheduled for May 2, 2012 at 6:30 P.M. at the Lake House.

The Environmental Issues Series will continue at the Avon Lake Public Library on May 9th at 7:00 P.M.; Engineering Department Manager Joe Reitz will speak on geese nuisance control.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell reported on the following items discussed at the April 19, 2012 Public Service meeting: purchase of a dump truck and crack sealing machine for the

Service Department; security at City Hall and evacuation procedures; lighting of the City Hall parking light; the asphalt street program; and monumental mailboxes on Lake Road and Avon Belden Road.

SAFETY COMMITTEE REPORT

A Safety Committee meeting is scheduled for May 2, 2012 at 6:30 P.M. in the Council Conference Room to discuss the central dispatch program, the EMS billing contract, the Code Red weather alert system, and the command vehicle bid.

SEWER COMMITTEE REPORT

Mr. O'Donnell reported on the following items discussed at the April 12th Sewer Committee Meeting: the stormwater ordinance update; the HOA meeting regarding retention basins; Municipal Utilities fee adjustments; the sump pump program update; the Sunset stormwater study; the Belmar project; and the stormwater master plan update.

The next Sewer Committee meeting is scheduled for May 10, 2012 at 6:30 P.M. in the Engineering Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Avon Lake Rotary Club invited Mr. Bucci to speak on economic development initiatives at their April 24, 2012 meeting at 7:30 A.M.

CHARTER AD HOC COMMITTEE REPORT

Mr. Bucci reported on the proposed amendments to Charter Sections 49 and 62 which were discussed at the April 18th Ad Hoc Committee meeting.

TREE COMMISSION REPORT

Mr. O'Donnell made the following comments. Twelve hundred trees were pruned over the winter. Emerald Ash Borer infestation is very active due to the mild winter which will probably result in the removal of more trees; grants are not available this year for tree removal. The Tree City USA ceremony will be hosted by the Fairport Harbor Commission on May 16th. Avon Lake will celebrate Arbor Day on April 29th at 11:00 A.M. at Miller Road Park; eight trees will be planted.

AVON LAKE HISTORICAL PRESERVATION COMMISSION

Mr. Kos reported on the following topics discussed at the Avon Lake Historical Commission meeting held March 29, 2012: the purchase of historic plaques; a working relationship with the Avon Lake Historical Society and the Avon Lake

Historical Preservation Commission; waiving of Planning Commission fees for consideration of historic designation; and future sites for historic designation.

The next meeting of the Commission is scheduled for April 25, 2012 at 7:00 P.M. at the Folger House.

AVON LAKE COMMUNITY COUNCIL REPORT

The “March Away Hunger” drive collected 4800 pounds of food valued at \$6800.00.

The winner of the Citizen of the Year Award is Linda Moyses. The winners of the Project of the Year Award are Eagle Scout Connor Musial for his work on the walking/running trail at the High School, and Gerry Vogel for the publication of his book *Images of America: Avon Lake*.

The winners will be recognized at the Kiwanis dinner on May 17th.

MOTIONS

Mr. James moved to accept the resignation of Neil Rush from the Environmental Affairs Advisory Board. Mr. Rush has accepted employment that will prevent him from serving on the Board.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

LEGISLATION

Mr. Bucci moved to remove Temporary Legislation #9972R from the agenda.

Under the Charter, the Board of Municipal Utilities does not have authority to adjourn to Executive Session. The Board requested the amendment to permit them to adjourn to Executive Session to discuss the permitted topics outlined in Ohio Revised Code Section 121.22. According to the Charter, Council is permitted to meet in Executive Session and the Board of Municipal Utilities is asking for the same privilege. The Charter Review Ad Hoc Committee has met several times to discuss this Charter amendment. Council has some concerns with the day on which the Board holds its meetings. This will be considered at the Special Council Meeting on May 7th.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Third Readings:

Temporary Legislation #9969, A RESOLUTION PURSUANT TO SECTION 5705.19 (I) OF THE OHIO REVISED CODE SUBMITTING THE QUESTION TO THE ELECTORATE OF A 1.25 MILL REPLACEMENT LEVY, WITH A .75 INCREASE TO EQUAL A 2.0 MILL LEVY FOR THE PURPOSE OF PROVIDING AMBULANCE AND EMS SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #9969. The Finance Committee recommended placing a 2.0 mill levy on the August 7th special election ballot. The current levy expires December 31, 2012. The levy is based on property values, which have decreased. Therefore, the amount of funds collected at the current rate is less than the amount that was collected three years ago at the rate of 1.25. According to the present property values, the present millage will no longer cover the cost of the number of 911 calls coming into the Fire Department. The paramedic levy covers the cost of eight paramedics and equipment. The Fire Department has reduced its overtime and has found ways to operate more efficiently. If the levy does not pass, there will be layoffs and the City will not be able to maintain services at the current level.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Ordinance No. 59-2012 adopted.

Temporary Legislation #9973R, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER XII SECTION 62 OF THE MUNICIPAL CHARTER TO MODIFY THE PROCEDURE FOR CONDUCTING ELECTIONS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9973R. The Charter Review Ad Hoc Committee recommended this amendment. Currently, Section 62 requires the winning candidate to receive 50% of the votes plus one. In the event there are three or more candidates running for the position of Mayor or Ward Council, the amendment would require a non-partisan primary to be held prior to the November election. After the primary, the two candidates receiving the most votes would advance to the November election. This does not affect the Council at Large positions since according to the Charter the three candidates who receive the most votes win the seats. The purpose of the amendment is to avoid another run-off election which was difficult for the candidates because they had to extend their campaigns and it was confusing for the residents. The runoff election also did not allow for a smooth transition of the new term and delayed reorganization. There was a substantial financial impact on the City since the City was responsible for paying for the special election.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Ordinance No. 60-2012 adopted.

Second Reading:

Temporary Legislation #9978, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE BY REPEALING CODIFIED ORDINANCE CHAPTER 1090.09, ENTITLED RECYCLABLES, was read by title only.

The Law Director recommended repealing Codified Ordinance Chapter 1090.09 since it is no longer relevant; the dates cited in the section regarding trash fees are no longer in effect.

First Readings:

Temporary Legislation #9981, AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for suspension of the rule requiring three readings.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9981. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Ordinance 61-2012 adopted.

Temporary Legislation #9982, AN ORDINANCE AMENDING ORDINANCE NO. 116-2011, was read by title only.

The Finance Director discovered an error in Ordinance No. 116-2011 regarding the Troy School Driveway Project.

Temporary Legislation #9983. AN ORDINANCE CONFIRMING THE EMPLOYMENT OF JOSEPH DETILLIO AS PART-TIME HUMAN RESOURCES DIRECTOR FOR THE CITY OF AVON LAKE, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for suspension of the rule requiring three readings.

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Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9983. Mr. Bucci reviewed Mr. DeTillio's resume and qualifications.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Ordinance No. 62-2012 adopted.

Temporary Legislation #9984, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A CHEERLEADING/TUMBLING SCHOOL AT AN EXISTING BUSINESS LOCATED AT 33481 LAKE ROAD, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9984. The school is relocating to this location since its current lease expires at the end of April. By this action, a business will remain in Avon Lake to continue to contribute to economic development.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Ordinance No. 63-2012 adopted.

Temporary Legislation #9985, AN ORDINANCE AUTHORIZING THE PURCHASE OF A USED CRACK SEALING MACHINE FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9985. The Service Director recommended the purchase of a used Crafcro Super Shot 125 DC Melter with heated hose and attached air compressor. The total amount which included a

trade-in of a Crafcro EX Pour 100 Diesel Melter is \$23,745.00. The balance of the budgeted amount will be applied to the purchase of a dump truck.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Ordinance No. 64-2012 adopted.

Temporary Legislation #9986, AN ORDINANCE AUTHORIZING THE PURCHASE OF A DUMP TRUCK WITH SNOW PLOW AND SALT SPREADER FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9986. The Service Director recommended the purchase of a 2013 International 5-ton dump truck with a snowplow and salt spreader through the State Purchasing Program. The amount of the purchase is \$142,076.00.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Ordinance No. 65-2012 adopted.

The Clerk of Council submitted the Fiscal Officers Certificate to Council relative Temporary Legislation #9987.

Temporary Legislation #9987, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPLE AMOUNT OF \$4,250,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS BONDS, SERIES 2003, DATED AS OF OCTOBER 1, 2003, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for suspension of the rule requiring three readings.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9987. The Finance Committee recommended the refunding of \$4 million of bonds for sewer projects and

Weiss Field improvements. The City will realize a savings of approximately \$400,000, or 9%. This is the first step in establishing a five-year financial plan as a result of the employment of Sudsina & Associates as financial advisors.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci Fenderbosch, James

No: None

Motion carried.

Ordinance No. 66-2012 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

On April 25, 2012 at 11:00 A.M., the Lorain County Community Development Department will hold an open meeting regarding county-wide land bank formation.

On April 13, 2012, Mrs. Fenderbosch had a part in a play presented as a fundraiser for the Rape Crisis Center.

May 15, 2012 is Peace Officers Memorial Day. This is an appropriate day to fly the flag at half-staff. Residents interested in receiving information regarding the protocol for flying the United States flag can contact John Shondel at osujohn@mac.com or ishondel@avonlake.org.

PUBLIC INPUT

Glen Eisenhardt, Fire Chief, addressed Council on the operations of the Fire Department and the importance of the upcoming paramedic levy

Chris Quinlan, 73 Community Drive, Avon Lake, asked for information regarding the Memorial Day Parade.

The parade will take place on May 28th, beginning at the High School at 10:00 A.M. At the conclusion of the parade, American Legion Post 211 will host an open house for the community.

Richard Miller, 32556 Spinnaker Drive, addressed Council regarding the clean-up of Heider Creek and the condition of the roads in The Landings.

Mr. Reitz stated that the City has certain access rights to the Heider Creek and the Service Department handles the clean-up of the ditch.

The Public Service Committee and the Engineering Department are finalizing the list for street paving for 2012. The Landings streets are not on schedule for paving this year. Mr. O'Donnell stated that due to cutbacks in State funding, the City only has \$600,000 budgeted this year for streets.

Thomasina Patton, TBP Avon Lake, 31940 Lake Road, thanked Council for approval of the conditional use permit for the cheerleading/tumbling school.

ADJOURNMENT

Mr. Meiners moved for adjournment.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Adjournment: 8:50 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council