

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MAY13, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on May 13, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch led the Council, staff, and public in reciting the Pledge of Allegiance.

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

APPROVAL OF MINUTES

The minutes of the April 15 2013 Special Council Meeting and the April 22, 2013 Regular Council Meeting were approved as prepared and published.

CORRESPONDENCE

A letter was received from Kopf Builders requesting suspension of the rule requiring three readings and emergency passage of approval of the improvement plans for Legacy Pointe Phase 7.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

On June 11th, a community forum will be held at the Avon Lake Public Library at 6:30 P.M. The purpose of the forum is to educate the public and better understand the challenges of drug addiction and the widespread use of heroin. Participants include Dr. Steven Evans, the Lorain County Coroner, Judge Bilancini, Marva Jones, a professional clinical counselor, Joel Reichland, a drug prevention specialist, Police Chief Owad, Fire Chief Huerner, a local family with a child in addiction treatment, and a recovering addict living free of heroin.

Signs directing motorists to Avon Lake will be posted at the top of the ramps at the I-90 Nagle Road interchange in each direction. Signs on the highway indicating the Lear/Nagle exit will take travelers to Avon Lake will be erected as a scheduled sign replacement program in August.

Mr. O'Donnell was named Elected Official of the Year by the Cleveland State Maxine Levine College of Urban Affairs Leadership Academy. He will be honored at a dinner at Cleveland State on May 23rd.

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Dr. Knapp forwarded the April helicopter activity report for the Cleveland Clinic in Avon. Out of 43 takeoffs and landings at the Avon facility, there were 4 deviations from the prescribed path along the I-90 corridor. There was one deviation after April 9th as a result of instructions from air traffic control due to incoming planes. Two of the other deviations were from the same pilot who has been reeducated on the protocol.

The total cost to the City for the interruption of trash collection in April is \$12,4031.65; Service Department overtime labor costs for pick-up of recyclables are \$3582.93, related fuel costs are \$134.72, and Code Red costs are \$8,714. The City is expecting reimbursement from Republic Services.

On May 15th at 8:00 A.M. there will be a ceremony at the Avon Lake Police Department honoring peace officers who have fallen in the line of duty.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for May 20th. May 27th is Memorial Day and no Council meeting is scheduled. A rescheduled Council meeting is scheduled for Tuesday, May 28th at 7:30 P.M.

Council members are reminded that Financial Disclosure Statements are due to the Ohio Ethics Commission by May 15th.

Mary Pajak was named Citizen of the Year by the Avon Lake Community Council and Dale Cracas and Bruce Peepers received the award for Project of the Year for the Avon Lake Community Garden. The recipients were honored at the May 9, 2013 Kiwanis Club dinner.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

FINANCE DEPARTMENT REPORT

Mr. Bucci asked Finance Director Bryan when he could expect a summary of the proposed changes to the payroll process requested at the Human Resources Committee meeting. Ms. Bryan stated that the Finance Department has updated the summary and has arranged for access to the ADP system for several employees. She explained that ADP is switching systems so she is waiting until that process is complete so employees do not have to be trained twice. Mr. Bucci asked Ms. Bryan to put together a simple explanation of the broad overview of the changes that will be occurring and forward it to the Human Resources Committee.

ENVIRONMENTAL COMMITTEE

Mr. Shondel reported that Republic Services will be accepting the following recyclables: plastics numbered 1 through 7, metals, glass, and cartons and cardboard as long as they are contained in the blue recycle bags or recycling containers.

Council members are invited to tour the recycling facility in Lorain County.

FINANCE COMMITTEE

Mr. Meiners reported that the Finance Committee met on May 13, 2013 and adjourned to Executive Session to discuss the purchase of land. The Committee also discussed the sale of notes in the amount of \$1,950,000 for various projects, which includes the following: \$1.5 million for the Belmar Sewer Separation Project; \$150,000 for the salt barn, \$150,000 for a new loader for the Service Department, \$50,000 for the dial-a-bus, \$25,000 for a police car, and \$25,000 for building security improvements. The Committee also reviewed a change order from the State Auditor's office for the 2011 audit.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the following items discussed at the May 6, 2013 Human Resources Committee meeting: fixing salaries of the Council members and Board of Municipal Utilities, the resignation of the electric inspector, wage scales for Municipal Utilities management positions, and revisions to the Codified Ordinances relative to uniform allowances and Civil Service Rules.

PUBLIC SERVICE COMMITTEE REPORT

The Public Service Committee is scheduled to meet May 28, 2013 at 6:00 P.M. in the Engineering Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

Karen Kirsch of First Energy informed Mr. Shondel that, in anticipation of potential weather events and widespread power outages on May 13th, day shift crews will be held over.

SAFETY COMMITTEE REPORT

The Safety Committee is scheduled to meet May 23, 2013 at 6:15 P.M. in the Council Conference Room.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet June 13, 2013 at 6:30 P.M. in the Engineering Conference Room.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the following items considered at the May 7, 2013 Planning Commission meeting: a non-conforming use for the Wine Shop; the improvement plans for Legacy Pointe Phase 7; and a site plan for property located at 58 West Shore Drive.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the following results of the April 25, 2013 Zoning Board of Appeals meeting: an area variance was granted for property located at 32950 Lake Road; and an area variance was granted for property located at 126 Mull Avenue.

CABLE ADVISORY COMMISSION REPORT

The Opinions & Issues Series on bullying is available at avonlake.pegcentral.com.

MOTIONS

Mr. Bucci moved to fix the salaries of Council members for the next term of Council at the current rates. Pursuant to Charter Section 7, Council shall fix members' salaries by June 1st of each year. Council members have no interest in changing their salaries.

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

No: None

Motion carried.

Mr. Bucci moved to fix the salaries of the Board of Municipal Utilities for the year 2014 at the current rates. Section 52 of the Charter requires Council to fix the salaries of the Board of Municipal Utilities by June 1st of each year. At this time, the Board of Municipal Utilities does not wish to change the salaries of its members.

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

No: None

Motion carried.

Mr. Bucci moved to accept the resignation of Brian Roenigk , Electrical Inspector, effective April 26, 2013. Mr. Roenigk accepted a position in another community.

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

No: None

Motion carried.

Mr. James moved to authorize a three-year contract with Concrete & More for the sidewalk task order project. This contract will allow the City to utilize the services of Concrete & More on an as needed basis. Concrete & More submitted the lowest and best quotation.

LEGISLATION

Third Reading:

Temporary Legislation #10125, AN ORDINANCE DESIGNATING THE LAKE SHORE CEMETERY AS A HISTORIC LANDMARK, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10125. The earliest recorded burial at Lake Shore Cemetery is that of Edmund Towner who drowned in Lake Erie June 9, 1822. Several streets in Avon Lake are named after settlers who are buried in the cemetery as well as a veteran of the Revolutionary War, five veterans from the Union Army of the American Civil War, and five veterans of World War I. The request for landmark designation of the cemetery has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268.

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

No: None

Motion carried.

Ordinance No. 52-2013 adopted.

First Readings:

Temporary Legislation #10146, AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF WATER FILTRATION PLANT IMPROVEMENT PROJECT BETWEEN THE CITY OF AVON LAKE AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY, was read by title only.

The Municipal Utilities will apply for a loan through the Ohio Water Development Authority to fund the water filtration plant project. The estimated cost of the project is approximately \$5 million. The Finance Committee voted unanimously to recommend this ordinance to Council for approval. Mrs. Fenderbosch stated that this involves a 30 year loan that will not affect the City's credit rating.

Temporary Legislation #10147, AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF BELMAR AREA COMBINED SEWER SEPARATION BETWEEN THE CITY OF AVON LAKE AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY, was read by title only.

The Municipal Utilities in conjunction with the City will construct the Belmar Sewer Separation Project. The estimated cost of the project is \$6 million; \$4.5 million for the Utilities portion of the project, and \$1.5 million for the City's portion. The Municipal Utilities will finance their portion through OWDA loans. The City will finance its portion through the sale of notes. The Utilities will apply for the OWDA loan for the entire amount of \$6 million with the understanding that when all the

documents for the sale of notes are completed, the City will not use the OWDA loan. This was approved and recommended to Council by the Finance Committee.

Temporary Legislation #10148, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH THE STATE AUDITOR'S OFFICE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

None: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10148. Additional work on the 2011 State audit was necessary resulting in a \$3,013.50 additional charge.

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

No: None

Motion carried.

Ordinance No. 53-2013 adopted.

Temporary Legislation #10149, AN ORDINANCE FIXING COMPENSATION RANGES FOR THE MANAGEMENT POSITIONS AT AVON LAKE MUNICIPAL UTILITIES, was read by title only.

The Board of Municipal Utilities approved wage ranges for six management positions in the Municipal Utilities. The wage ranges will be fixed for three years, after which time they will be reevaluated. The wage scales will allow the Chief Utilities Executive to grant wage increases based on merit.

Temporary Legislation #10150, AN ORDINANCE AWARDED A CONTRACT FOR THE EMERGENCY GENERATOR PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

Seven bids were received for the project. The Engineering Department recommends accepting the bid from Zenith Systems, LLC. The base bid for City Hall generators is \$56,476; Alternate #1 is \$42,800 for the Service Department Office/Garage; and Alternate #2 is \$11,980 for the Service Department Storage Garage. The total amount of the contract is \$111,256.00. The generators are being purchased to maintain City services during a power outage.

Temporary Legislation #10151, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (f) (14), ENTITLED POOL FEES, was read by title only.

The Parks & Recreation Commission recommended amending the municipal pool rules to allow non-resident City of Avon Lake employees and their immediate families to use the municipal pool at the same fees charged to non-residents. This

ordinance amends the General Fee Schedule to establish the pool fees for non-resident City of Avon Lake employees and their immediate families.

Temporary Legislation #10152, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1078, ENTITLED SWIMMING POOL, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance amends the rules for the swimming pool by establishing that non-resident employees of the City of Avon Lake and their immediate families are permitted to use the municipal pool. Mr. Kos pointed out that the proposed amendment defines a non-resident employee as a full-time employee. He stated that he believes it was the intention of the Parks & Recreation Commission to extend pool privileges to part-time and seasonal employees. Mr. James stated that he will review Mr. Kos's suggestion and make the necessary change to the ordinance if appropriate.

Temporary Legislation #10153, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.07, ENTITLED UNIFORM ALLOWANCES, was read by title only.

There is outdated information in the Codified Ordinances regarding uniform allowances. The proposed amendments will correct any inconsistencies with union contracts and uniform allowance amounts for the Fire Chief and Police Chief.

Temporary Legislation #10154, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR FIRE/ARSON INVESTIGATION MUTUAL AID ASSISTANCE IN LORAIN COUNTY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10154. The City of Avon Lake has worked over the past years with several Lorain County communities on fire/arson investigation. There have been questions regarding the legality of personnel entering other jurisdictions to assist with fire investigations. The Lorain County Association of Fire Investigators and the Lorain County Fire Chiefs Association have developed a written agreement to address mutual aid assistance in the County. The agreement has been reviewed by the Law Director and Safety Committee.

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

No: None

Motion carried.

Ordinance No. 54-2013 adopted.

Temporary Legislation #10155, AN ORDINANCE AUTHORIZING A PAYMENT TO THE AVON LAKE YOUTH BASEBALL FEDERATION, AND DECLARING AN EMERGENCY, was read by title only.

The Parks & Recreation Commission recommended a \$20,637 donation to the Baseball Federation. This is the same as last year's donation.

Temporary Legislation #10156, AN ORDINANCE AMENDING CHAPTERS 256, 258, 260, AND 278 OF THE AVON LAKE CODIFIED ORDINANCES PERTAINING TO THE CIVIL SERVICE RULES, was read by title only.

The Civil Service Commission revised the rules of the Commission. The proposed Codified Ordinance amendments will make the Code consistent with the revised rules which were previously adopted by Council.

Temporary Legislation #10157, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICE AGREEMENT WITH EASTMAN & SMITH LTD, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10157. The agreement with Eastman & Smith is necessary for Avon Lake to participate in the consortium for trash collection. Eastman & Smith will act as the legal counsel for this endeavor. Each participating community will pay a \$2000 fee for participation in the consortium. Lorain County Solid Waste District has agreed to reimburse each community \$1500 provided that the participants agree to certain conditions. This ordinance also authorizes additional fees up to \$10,000.00 with any additional costs being divided equally among the participants which will be charged back to any resident using the service at an estimated rate of \$0.05 to \$0.25 per billing cycle. The ordinance also authorizes a supplemental agreement with Eastman & Smith for additional consulting services on the Avon Lake ordinances relative to trash with expenses not to exceed \$5000.

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

No: None

Motion carried.

Ordinance No. 55-2013 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Avon Lake cable channels 12 and 21 will air a conversation with Congresswoman Marcy Kaptur. Senior citizen issues will be discussed.

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The next approved day for flying flags at half-staff is May 15, 2013 which is Peace Officer Memorial Day to honor all police officers who have fallen in the line of duty. If anyone would like to be added to the half-staff e-mail alert list, contact Mr. Shondel at osujohn@mac.com.

Mrs. Fenderbosch and Mr. O'Donnell attended a town hall meeting in Oberlin. The topic was what life in northeast Ohio will be like in year 2040. A similar meeting will take place at Cleveland State University on May 23, 2013 at 6:30 P.M. at the Levine College of Urban Affairs.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:28 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council