

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 22, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on April 22, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci 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 Reitz, Finance Director Nancy Bryan, and Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the March 25, 2013 and April 8, 2013 Council meetings were approved as prepared and published.

APPOINTMENT OF A POLICE OFFICER

Temporary Legislation #10134, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A POLICE OFFICER IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel
No: None
Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10134. This ordinance will confirm the appointment of Luke Hagedorn to the position of full-time Police Officer to fill a vacancy created by a retirement. Based upon his service as a part-time Avon Lake Police Officer and a recommendation from the Police Chief and Safety Committee, Mr. Hagedorn will start at a Step II pay rate.

Yes: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel
No: None
Motion carried.

Ordinance No. 41-2013 adopted.

Law Director Lieberman administered the oath of office to Mr. Hagedorn.

PUBLIC HEARING

A Public Hearing was called to order at 7:43 P.M. upon the proposed historic landmark designation of Lake Shore Cemetery located on Lake Road adjacent to Veterans Memorial Park.

This item was reviewed and recommended to Council by Planning Commission at their March 5, 2013. The earliest recorded burial at Lake Shore Cemetery is that of Edmund Towner who drowned in Lake Erie June 9, 1822. Streets in Avon Lake are named after settlers who are buried in the cemetery as well as a veteran of the Revolutionary War along with 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.

The Public Hearing was closed at 7:45 P.M.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Trash collection was returned to normal service due to striking workers. According to Mr. Kidder of Republic Services, more trucks than usual were in service in Avon Lake picking up trash and recyclables. Last week there were a number of areas that did not receive trash service despite reports from Republic that trash would be collected. Announcements regarding the trash collection were sent through the Code Red system, the Avon Lake website, and newspapers. The City's contract with Republic expires at the end of 2013 and the City will go out for bids during the summer. Avon Lake is working with nine townships of southern Lorain County to form a consortium in order to improve chances to secure a favorable bid.

Mr. Bucci drafted the following letter which was sent to Mr. Kidder on April 18th and was signed by members of Council and Mayor Zilka:

Dear Mr. Kidder:

We are writing to express our concern regarding the ongoing labor dispute in Youngstown, Ohio between Republic Services and the International Brotherhood of Teamsters, Local 377. As you are acutely aware, the strike in Youngstown has instigated a sympathy strike conducted by the union that services our area. The residents of Avon Lake have suffered great inconveniences due to Republic Service's failure to execute the contractually-mandated Monday garbage collection on April 1, 2013 and April 15, 2013.

Despite Republic Services' effort to comply with the contract, the simple fact remains that our residents have not only been inconvenienced, they have paid for a service that was not provided. Therefore, we request that Republic Services grant every Avon Lake resident full credit for the lack of service on April 1, 2013 and April 15, 2013. The credit should be equivalent to the total cost of two weeks of service.

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Such credit should continue for each week the labor dispute continues and Monday service is not executed as required by the contract.

Finally, Mayor Zilka was originally informed that all of Avon Lake's garbage would be collected by yesterday, April 18, 2013. He was then updated that the process would not be completed until today. He is now hearing that our residents must now wait until Monday. This is simply unacceptable.

Please notify Mayor Zilka of your intentions to comply with our request regarding the credit and Republic Services' intentions to complete garbage collection in Avon Lake.

Sincerely,

Dan Bucci
Council At Large

Jennifer Fenderbosch
Ward II Council

Martin O'Donnell
Council At Large

Larry Meiners
Ward III Council

John Shondel
Council At Large

David Kos
Ward IV Council

Mayor Gregory Zilka

Mayor Zilka stated that Mr. Kidder informed him that he is willing to discuss any reimbursement with Republic. The City did send Service Department trucks out on Saturday to collect recyclables left on tree lawns; ten Avon Lake employees worked for seven hours on Saturday which will be collected from the Service Department area by Republic. Mr. Kidder assured the Mayor that that the City will be compensated for overtime and fuel costs.

Mayor Zilka stated that in the future any non-emergency Code Red message will come from the Mayor's office and not from the Police or Fire Department to maintain the credibility of the Code Red system.

The Mayor had a telephone conversation with Catherine Gabe of "Communities That Care" and the "Solace" organization that focus on drug abuse issues in Lorain County. A drug forum will be held in June on a date to be determined. Based on many phone calls to the Mayor, it is clear the community is eager to have an opportunity to discuss the drug problems in the County.

Mayor Zilka congratulated Eileen Donahue on the successful Business Expo which took place at Hinckley Lighting on April 18th. The proceeds from the event will go to the Community Improvement Corporation (CIC) recently approved by Council.

Law Director Lieberman received a certificate from the Ohio Secretary of State officially creating the second CIC in Avon Lake.

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The City of Avon Lake has been named a "Tree City USA" by the Arbor Day Association for the 20th year.

Redwood Elementary School is celebrating its 50th birthday on April 28th. Many events are scheduled on April 27th at the school.

April 27, 2013 is the National Take Back Initiative. Prescription drugs no longer being used can be disposed of safely at the Avon Lake Police Department.

COUNCIL PRESIDENT'S REPORT

April 29th is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for May 6th and the next regular Council meeting is scheduled for May 13th.

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

The Avon-on-the-Lake Garden Club received the honor of Garden Club of 2012 by the Garden Club of Ohio. They were given 13 different awards and will be considered for national competition.

Mary Pajak was named Citizen of the Year by the Avon Lake Community Council and the Avon Lake Community Garden was named Project of the Year. The recipients will be honored at the May 9, 2013 Kiwanis Club dinner. Reservations can be made by calling Mr. O'Donnell at 933-7310.

Mr. O'Donnell commended Avon Lake High School on the outstanding production of "All Shook Up".

Mr. O'Donnell thanked Eileen Donahue of the Northcoast Chamber of Commerce for her work organizing the Business Expo.

In February, City Council held a strategic planning session. The following items were of major discussion in designing Council's strategic plan.

ECONOMIC DEVELOPMENT

- Implementation of the jobs growth program and continual review of its effect on business retention, expansion, and addition of new businesses to the city income tax base.
- Implementation of the small business loan program with the establishment of the Community Investment Corporation.
- Implementation of the business liaison position. After the year, review the effectiveness of the position in relation to working with the business community.

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- Market streaming of services to residents and customers via website and branded materials.
- Promote the Economic Development Board's Business Fair and work in conjunction with them on business concerns and ideas.

GENON

- Begin the implementation of the RFQ to bring in expertise during the transition period for environmental, economic development, and timeline factors with the present company and possible interested buyers.
- Council plans to establish a committee of experts, residents, and stakeholders to involve the community in re-establishing this area.
- Continual talks with GenOn regarding environmental and operational issues.

DEPARTMENT REORGANIZATION

- Examine the possibility of obtaining one stop shopping for residents.
- Evaluate services and programs if they are effective, need improvement, need to be eliminated or be added for businesses and residents.
- Identify cost savings through the reorganization.
- Follow up on the state audit regarding recreation and building usage.
- Centralize the handoffs for business contact follow up.
- Examine city operations for duplication, efficiency, or improve methods of operations.

STREET MAINTENANCE

- Maintain the \$1 - \$1.5 million in the budget each year for street repair until alternative funding is available.

SEWER SEPARATION

- Completion of the Belmar project.
- Implementation of the lateral storm program throughout the city.
- Examine the future of a stormwater utility and defining the responsibilities.

EMS FUNDING/CAPITAL-STREET LEVY

- Study the objective of an alternate way to fund capital streets by a levy and putting paramedic expenses in the general fund. These capital costs could be from police, fire, and service in equipment requests.
- Council is interested in pursuing this issue over the next year with the Mayor.

BUDGETING EARLY

- Examine if the budget review process could start in October and be completed by the end of December with approval.
- Design a five year strategy in dealing with capital costs.
- Continue to budget and plan to allow the city reserves to build back-up.

LABOR NEGOTIATIONS

- Hire a Human Resource firm to assist in daily legal issues and negotiation strategy when needed.
- Continue to work on reducing overtime in the city.

ALMU RELATIONS

- Continue to work on operations and legal differences and concerns.
- Complete the Belmar sewer separation in a timely manner.

OTHER ITEMS NOTED

- Regionalization – shared services.
- Develop a risk management plan for city operations.
- Hire two firefighters through the Safer Grant.
- Deer program.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

FINANCE COMMITTEE

Mr. Meiners reported on the following items discussed at the April 15, 2013 Finance Committee meeting: the February final financial statement and the March preliminary statement.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced the resignation of Brian Roenigk, Building Inspector, effective April 26, 2013.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee discussed the following items at the April 22, 2013 meeting: department consolidation; the refuse contract; Avon Lake Baseball Federation donation; use of City property permit for Friends of the Park; resident pool fees for non-resident employees; emergency generator contract; 2013-2016 sidewalk program; and Dial-a-Bus van purchase.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported that Karen Kirsch, First Energy Manager of External Affairs, announced that aerial inspections on the Ohio Edison volt lines have begun. Vista One will continue to perform these patrols and a second aircraft of Vista One will perform the spring routine patrols with CEI in conjunction with the Ohio Edison patrols. The spring patrols are being flown "breaker to breaker" and the contractor is scheduling to patrol the CEI lines concurrent with portions of the Ohio Edison region for efficiency and summer readiness reasons. The patrols are estimated to last one

to two weeks depending on weather conditions and will result in additional helicopter traffic.

A Public Utilities Committee meeting will not be held in May due to a conflict with the special meeting between the Sewer Committee and Finance Committee.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the April 17, 2013 Safety Committee meeting: appointment of a Police Officer; appointment of a Police Department Dispatcher; police vehicle changeover costs; a mutual aid agreement for the Fire Department; and the deer management program.

SEWER COMMITTEE REPORT

A joint special meeting between the Sewer and Finance Committees is scheduled for May 2, 2013 at 6:30 P.M. to review the OWDA loans for the Municipal Utilities.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals is scheduled to meet on April 24, 2013. Two cases will be heard.

PARKS & RECREATION COMMISSION REPORT

Mr. James reported on the Parks & Recreation Commission meeting held on March 27, 2013.

The Parks & Recreation Commission is scheduled to meet April 24, 2013 at 7:00 P.M. at the Lake House. The Commission will discuss the Belle Road Park restroom proposal.

CITIZENS TREE COMMISSION REPORT

Mr. James announced that the Tree Commission will celebrate Arbor Day on Sunday, April 28th at 11:30 A.M. at the Peter Miller House; a tree will be planted. The Peter Miller House Board will also celebrate Arbor Day at the museum on Saturday, April 27th at 11:00 A.M. and will plant several trees purchased from donations.

MOTIONS

Mr. Kos moved to authorize a contract with Northcoast Two-way Radio, Inc. in the amount of \$11,240.66 for the changeover/outfitting of police vehicles. The budgeted amount of this expenditure was \$12,000. The changeover/outfitting is necessary for the function of the vehicles.

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

No: None
Motion carried.

LEGISLATION

Second Reading:

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

This item was discussed earlier in the public hearing.

First Readings:

Temporary Legislation #10135, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JACK REDILLA ET AL., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10135. The Assistant Law Director requested additional funds of \$1000 to continue to defend the City in this ongoing case filed against the City regarding a decision by the Zoning Board of Appeals.

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

No: None
Motion carried.

Ordinance No. 42-2013 adopted.

Temporary Legislation #10136, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY TIMOTHY AND MARY ANN BAINBRIDGE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10136. The Law Director requested \$5000 to defend the City in a case filed against the City appealing a decision by Planning Commission.

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

No: None

Motion carried.

Ordinance No. 43-2013 adopted.

Temporary Legislation #10137, AN ORDINANCE AUTHORIZING A DONATION TO COMMUNITY RESOURCE SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10137. The 2013 budget included a donation of \$14,500 to Community Resource Services (CRS). CRS has helped many Avon Lake families in need of assistance and has increased its services 33% from 2011 to 2012. They continue to give the City a quarterly report on the disbursement of funds.

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

No: None

Motion carried.

Ordinance No. 44-2013 adopted.

Temporary Legislation #10138, AN ORDINANCE APPOINTING JOSEPH REITZ TO THE POSITION OF INTERIM SERVICE/ENGINEERING DIRECTOR FOR THE CITY OF AVON LAKE AND AUTHORIZING A SALARY ADJUSTMENT TO MR. REITZ FOR ACTING IN SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10138. This interim position has been created while the administration is considering the consolidation of the departments to run the City more efficiently and continue to provide optimal services. Mr. Reitz has been employed with the City since 1987 and has been the Engineering Department Manager since 2006. With the added duties of the interim position, Mr. Reitz will receive an additional \$10,000 per year retroactive to January 1, 2013 when he assumed the additional duties.

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

No: None

Motion carried.

Ordinance No. 45-2013 adopted.

Temporary Legislation #10139, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO SIGN A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT) AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10139. This agreement permits the City to collaboratively purchase road salt for use during the 2013-2014 winter season. The price of the salt and tonnage will be determined later in the year.

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

No: None

Motion carried.

Ordinance No. 46-2013.

Temporary Legislation #10140, AN ORDINANCE APPROVING A UNIFORM ALLOWANCE ADJUSTMENT FOR THE POLICE CHIEF POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10140. The uniform allowance for the Police Chief will be increased from \$800 per year to \$1000 per year to be equal with that of the Fire Chief.

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

No: None

Motion carried.

Ordinance No. 47-2013 adopted.

Temporary Legislation #10141, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE PURCHASE AGREEMENT TO ACQUIRE A FORD VAN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10141. The van will be purchased from Valley Ford through the State Purchasing Program in the amount of \$54,928.10. The van will be used for the Dial-A-Bus service.

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

No: None

Motion carried.

Ordinance No. 48-2013 adopted.

Temporary Legislation #10142, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1268, ENTITLED HISTORIC PRESERVATION REGULATIONS, was read by title only.

At the April 2, 2013 meeting, Planning Commission recommended to Council amendments to Planning & Zoning Code Chapter 1268. The major recommended change is to Section 1268.06 indicating there is no requirement for a public hearing for historic landmark designations. The recommended change to Section 1268.03 states that Avon Lake Council shall designate one of its members to serve as a non-voting liaison to the Avon Lake Historical Preservation Commission. The remaining changes are minor.

Temporary Legislation #10143, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10143. The Finance Director determined certain transfers are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 49-2013 adopted.

Temporary Legislation #10144, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A FULL-TIME DISPATCHER/RECORDS CLERK IN THE

POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10144. Michael Cipro is being recommended for appointment to the position of full-time Dispatcher/Records Clerk in the Police Department to fill a vacancy created by a resignation. Mr. Cipro is currently working as a part-time Dispatcher and based upon recommendations from the Police Chief and Safety Committee he will begin the full-time position at a Step II wage rate.

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

No: None

Motion carried.

Ordinance No. 50-2013 adopted.

Temporary Legislation #10145, AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10145. As ordinances and changes to State law occur, American Legal Publishing performs the editing of the Avon Lake Codified Ordinances.

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

No: None

Motion carried.

Ordinance No. 51-2013 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

On May 25th, the Avon Lake High School Key Club will hold the "Wounded Warrior" 5K run and 1 mile walk fundraiser at the Kopf Family Reservation. Information can be received by contacting Gjergi Haxhiu at 440-933-6290.

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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. Residents are not required by law to lower flags to half-staff on days designated by Presidential Proclamation or on days designated by the United States Flag Code, but many patriotic residents do so. If anyone would like to be added to the half-staff e-mail alert list contact Mr. Shondel at osujohn@mac.com.

The Earth Day celebration sponsored by Avon Lake Municipal Utilities and the Service Department has been rescheduled to May 4th from 3:00 to 4:00 P.M. at Miller Road Park beach.

On April 21st, Mrs. Fenderbosch represented Lorain County in the transportation booth at the Earth Fest held in Cuyahoga County. The Lake Erie wind turbine project came in seventh in the United States, but is now in the top three for consideration for funding next year. If the project comes in first, it will be awarded \$48 million by the Federal government for installation of wind turbines. Leed Co, the corporation that sells the electricity generated by wind turbines, has a project called "Take the Power Pledge". Leed Co. has a form on their website for interested individuals to fill out stating that they would like some part of their electricity generated by wind turbines on the Great Lakes; everyone who responds will receive a decal for their car.

PUBLIC INPUT

Jim Stobe, 31884 Pondsides Drive, Avon Lake, spoke in support of the school levy.

Savannah Stobe, Redwood School student, asked voters to support Issue 10, the school levy.

Alan Frazier, 32140 Division Lake, spoke in support of the school levy.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:55 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council