

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD DECEMBER 9, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on December 9, 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 President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, 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 November 12, 2013 Rescheduled Council Meeting and the November 25, 2013 Regular Council Meeting were approved as prepared and published.

APPOINTMENT OF A POLICE LIEUTENANT AND A POLICE SERGEANT

Temporary Legislation #10252, AN ORDINANCE CONFIRMING THE APPOINTMENT OF VINCENT MOLNAR AS LIEUTENANT IN THE AVON LAKE POLICE DEPARTMENT, 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 #10252. The advancement of Lt. Streater to the position of Interim Assistant Police Chief created a vacancy for the position of Lieutenant. Sergeant Molnar scored the highest on the Civil Service tests and passed all assessments and has been recommended for the position of Lieutenant.

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

Ordinance No. 158-2013 adopted.

Temporary Legislation #10253, AN ORDINANCE CONFIRMING THE APPOINTMENT OF LESLIE CARRENDER AS SERGEANT IN THE AVON LAKE

POLICE DEPARTMENT, 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 #10254. The promotion of Sgt. Molnar to the position of Police Lieutenant created a Sergeant vacancy. Leslie Carrender scored the highest on the Civil Service tests and has been recommended for the position of Sergeant.

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

No: None

Motion carried.

Ordinance No. 159-2014 adopted.

Law Director Lieberman administered the oath of office to Lt. Molnar and Sgt. Carrender.

AWARD PRESENTATION

The Central States Chapter of the Alliance for Community Media holds a video competition once a year called the Philo Festival of Media Arts. The Avon Lake Cable Advisory Commission received the Philo T. Farnsworth award for excellence in community programming for their show on bullying as part of the "Issues and Opinions" series. Mayor Zilka presented the award to Mary Pajak and Carole Murphy, Cable Advisory Commission members.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Mayor Zilka met with the Mayors of Sheffield Lake and Sheffield Village and the new plant manager of the Ford Assembly Plant and a Ford representative from Dearborn to discuss the future of the plant. There are plans to put in a mid-size truck facility at the plant next year.

The Mayor and Council President O'Donnell met with representatives from Cameron which purchased IPS located on Walker Road. They intend to triple the workforce at that facility.

Jeff Westerfield of the Ohio Department of Natural Resources has made his recommendations for modification of the Avon Lake deer ordinance to allow the City to better manage the deer herd.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is scheduled for December 16th and the next regular Council Meeting is scheduled for December 23rd.

Council Elect held an organizational meeting on November 18th. Mr. O'Donnell was elected Council President and Mr. Meiners was elected Council President Pro Tem. All Council committee assignments will remain the same; Council will look into reorganizing the committee structure in the first quarter of 2014.

There is a vacancy on the Zoning Board of Appeals and the Avon Lake Historical Preservation Commission. Interested residents should send a letter of interest and a resume to the Clerk of Council at 150 Avon Belden Road or by e-mail to bdopp@avonlake.org.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

The Service Department is completing its seventh complete pass through the City for leaf pick-up. By the end of the week one chipper truck will be put into service to pick up branches.

The District 9 Committee is making recommendation to Columbus for funding of the Lear Road/Krebs Road Intersection Project. The project will add a turn lanes and a traffic light with pre-emption for the safety forces.

The issues with the emergency generator project at City Hall should be resolved by the end of the month.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet December 12, 2013 at 7:00 P.M. in the Council Conference Room. Mr. Shondel gave the deer carcass pick-up report; the rate has almost doubled over the past two years.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the items discussed at the December 2, 2013 Human Resources Committee meeting which will appear on tonight's agenda.

PUBLIC SERVICE COMMITTEE REPORT

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The Public Service Committee held a joint committee meeting with the Finance Committee on December 9, 2013 to discuss the Tequity contract. No action was taken.

The Public Service Committee will not hold its regularly scheduled December meeting on December 23rd.

Mayor Zilka stated there will be informational meetings scheduled for residents regarding the new trash collection contract. Residents will get an explanation of the new program in their next bill. The cart system should be implemented by April 1, 2014. The three can sizes are on display at the Service Department for residents to inspect. The billing for the first quarter will be the standard rate for the 96 gallon can. Within the first quarter, customers will be able to choose the can size they wish to receive and billing will be adjusted accordingly in the second quarter bill. If customers contact Allied Waste in the month of January and opt for a smaller can, they will be credited for the months of February and March. Unlimited pick-up will continue through the first quarter until all cans are delivered. After April 1st, there will be a designated week for unlimited pick-up.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported the Public Utilities Committee recommended an ordinance authorizing NOPEC to take action necessary to offer an opt-out program for natural gas aggregation.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee is scheduled for December 12, 2013 at 6:30 P.M.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission will meet on December 18, 2013 at 7:00 P.M.

MOTIONS

Mr. Bucci moved to accept the resignation of Tom Mealey from the Service Department effective January 1, 2014. Mr. Mealey is retiring after 34 years of service to the City of Avon Lake.

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

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor

license transfer from M & R Dining Services LLC to Trumer Restaurant Group LLC. The Police Chief has no objection to the transfer request.

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

Mr. Meiners moved to add Temporary Legislation #10261 to the agenda. The Law Director requested appropriations for litigation fees.

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

LEGISLATION

Third Readings:

Temporary Legislation #10242, AN ORDINANCE AUTHORIZING THE NAMING OF BLESER PARK.

Mr. James moved for passage of Temporary Legislation #10242. The park known as Bleser Park was never officially declared as such by City Council. There is a field within the park that was dedicated as Bleser Field in honor of Walter Bleser. Over time, the area surrounding the field became known as Bleser Park. The Parks and Recreation Commission determined it would be appropriate to formally name the park Bleser Park and recommended the same to the Public Service Committee. The Public Service Committee considered the recommendation and voted 4-0 to forward the recommendation to Council.

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

Ordinance No. 154-2013 adopted.

Temporary Legislation #10243, AN ORDINANCE AUTHORIZING THE RENAMING OF BLESER FIELD TO MANNINO FIELD.

Mr. James moved for passage of Temporary Legislation #10242. The Avon Lake Youth Baseball Federation (ALYBF) requested the Parks & Recreation Commission to name the field known as Bleser Field to Mannino Field. Mike Mannino has been involved with the ALYBF for many years as an officer and as a coach. The Parks & Recreation Commission realized there is no policy in place for re-naming parks or facilities. The current policy only addresses new names. The Commission revised its policy to address the re-naming situation. Since the Parks & Recreation Commission determined it was appropriate to elevate the Bleser name from a field to the entire park, it would be appropriate to re-name the field to Mannino Field. The

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descendants of Mr. Bleser had no objections to the re-naming of the field since the entire park would formally be named in honor of Mr. Bleser.

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

No: None

Motion carried.

Ordinance No. 155-2013 adopted.

Second Readings:

Temporary Legislation #10244, AN ORDINANCE AWARDDING A CONTRACT FOR THE LEAR ROAD/WALKER ROAD INTERSECTION PROJECT, 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 #10244. Five bids were received for the project. The lowest and best bid was submitted by Underground Utilities, Inc. in the amount of \$1,596,312.15. Avon Lake Municipal Utilities is responsible for \$279,489.50 of the project amount for waterline work. The City received a \$252,228 grant and a \$125,000 zero interest loan from Ohio Public Works Commission. The project will add right turn lanes at all four corners, install curbs, replace the water line, widen the road, and install new traffic lights.

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

No: None

Motion carried.

Ordinance No. 156-2013 adopted.

Temporary Legislation #10245, AN ORDINANCE AUTHORIZING THE CITY TO ADOPT A \$1.27 PER QUARTER ADMINISTRATION FEE FOR PAYMENT OF THE ACCRUED AND FUTURE COSTS OF PARTICIPATION IN THE 2013 LORAIN COUNTY CONSORTIUM FOR COLLECTION, TRANSFER, AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL SERVICES, 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.

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Mr. James moved for passage of Temporary Legislation #10245. Avon Lake was involved in the Lorain County consortium. There were highly qualified experts who assisted in the preparation of the bid documents and agreements to execute the new trash contract that will become effective January 1, 2014. The consortium agreed to institute a small administration fee on customers' bills to pay the fees of the lawyers and professional consultants. This ordinance will authorize the fee beginning with the new contract in 2014.

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

No: None

Motion carried.

Ordinance No. 157-2013 adopted.

First Readings:

Temporary Legislation #10251, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26 OHIO REVISED CODE DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY, was read by title only.

At the December 2, 2013 Work Session, representatives from NOPEC gave a presentation on the opt-out natural gas aggregation program. Avon Lake has participated in an opt-out program for electricity since 2002. If Council wishes to move forward with the gas aggregation program the ordinance must be filed with the Board of Elections by February 5, 2014.

Temporary Legislation #10254, AN ORDINANCE CONFIRMING THE APPOINTMENT OF DUANE P. STREATOR AS POLICE CHIEF OF THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Streator will become the Police Chief upon the upcoming retirement of Chief Owad. Mr. Streator has passed all Civil Service examinations and assessments.

Temporary Legislation #10255, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JEFFREY SMITH AS LEADMAN IN THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The resignation of Mr. Mealey created a vacancy for the position of Leadman. After passing all Civil Service examinations, Mr. Smith has been recommended for the position of Leadman.

Temporary Legislation #10256, AN ORDINANCE CONFIRMING THE APPOINTMENT OF PAUL CASTERLINE AS LABORER IN THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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With the promotion of Mr. Smith to the position of Leadman, a Laborer position is vacant. After passing all Civil Service examinations, Mr. Casterline has been recommended to the position of Laborer.

Temporary Legislation #10257, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH WENTWORTH TECHNOLOGIES FOR COMPUTER 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 #10257. The administration recommended a contract with Wentworth Technologies to purchase the CityForce software for Building, Zoning, and Service/Engineering/Planning. The total cost for software, maintenance, and set-up fees is \$31,108. This cloud technology will allow data sharing between the departments to provide more efficient service to the residents.

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

No: None

Motion carried.

Ordinance No. 160-2013 adopted.

Temporary Legislation #10258, AN ORDINANCE PROVIDING FOR ADVANCES AND ADJUSTMENTS TO ESTIMATED REVENUES, 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 #10258. The Finance Director determined certain financial advances and adjustments are needed for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 161-2013 adopted.

Temporary Legislation #10259, AN ORDINANCE AMENDING ORDINANCE NO. 84-2013 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance establishes the 2014 budget for the City of Avon Lake. Several budget meetings were held with the administration, Finance Director, and Council to develop the budget.

Temporary Legislation #10260, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE CHANGING THE WAGE RATE OF THE ELECTRICAL SAFETY INSPECTOR, AND DECLARING AN EMERGENCY, was read by title only.

David Gunsalus was hired as the Electrical Safety Inspector with the contingency that he would receive a \$3000 salary increase upon acquiring two certifications. Mr. Gunsalus has acquired the residential building inspector license. At this time, he will receive half of the amount until he receives the second license.

Temporary Legislation #10261, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JAMES PIETRANGELO II, 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 #10261. The Law Director requested additional funds in the amount of \$40,000 to continue with the defense of the City of Avon Lake in an ongoing lawsuit.

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

No: None

Motion carried.

Ordinance No. 162-2013 adopted.

PUBLIC INPUT

Jonathon Leonard, 184 Parsons Drive, thanked Council for officially naming Mannino Field on behalf of the Avon Lake Youth Baseball Field. Mr. Leonard read a letter from Mr. Mannino expressing his gratitude for being honored by having a field named after him.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss pending litigation.

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

No: None

Motion carried.

Adjournment: 8:50 P.M.

RECONVENING OF OPEN COUNCIL MEETING

The open Council meeting was reconvened at 9:15 P.M.

Present: Council President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, John Shondel; Mayor Zilka; Law Director Abe Lieberman.

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:17 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council