

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 27, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on February 27, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

A moment of silence was observed for the students attacked at Chardon High School

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, Martin O'Donnell, 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 February 13, 2012 Council Meeting were approved as prepared and published.

RESOLUTION OF GRATITUDE AND APPRECIATION

Temporary Legislation #9950, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR SGT. RANDY BENNETT, was read in its entirety.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #9950. Mr. Kos reviewed Sgt. Bennett's accomplishments.

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

No: None

Motion carried.

21-2012 adopted.

Mayor Zilka presented a Proclamation to Sgt. Bennett.

Police Chief Owad presented Sgt. Bennett with a Retired Police Sergeant badge.

MAYOR'S REPORT

Ward I and Ward II meetings were held on February 15th and February 22nd respectively. Service Director Lescher, Police Chief Owad, Fire Chief Eisenhardt, and Engineering Department Manager Reitz gave presentations explaining their positions and departments. The Ward III meeting will be held on March 14th and the Ward IV meeting will be held on March 21st. Both meetings will be held at Troy Intermediate School at 7:00 P.M.

An organizational meeting for residents interested in serving on the Independence Day Fireworks Celebration Committee will be held on March 5th at 5:00 P.M. in the Engineering Conference Room. The Independence Day fireworks celebration will be held on July 3rd.

The 2012 budget will be discussed at a Finance Committee meeting on March 1st at 7:00 P.M. in the Engineering Conference Room.

The Mayor read to Mrs. Burnett's first grade class at Redwood School.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for March 5th and the next Regular Council meeting is scheduled for March 12th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

Law Director Lieberman distributed a list of pending litigation.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James made the following announcements.

The Environmental Affairs Advisory Board is scheduled to meet March 8, 2012 at 6:30 P.M. at the Avon Lake Public Library; the topic is deer management.

The Environmental Issues Series will continue on March 14, 2012 at 7:00 P.M. at the Avon Lake Public Library; the speaker will be Peter Banks, founder of the Lorain, Cuyahoga, and Eire Chapters of Farmers and Hunters Feeding the Hungry.

FINANCE COMMITTEE REPORT

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Mr. Meiners reported on the following items discussed at the Finance Committee meeting held February 27, 2012: NOPEC funds for energy-efficient lighting throughout the City; the hiring of a consultant for capital and debt planning services, and bid advertisement for boiler improvements at the Safety Center.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet March 5th at 6:30 P.M. in the Council Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

The Public Service Committee is scheduled to meet on February 29th at 7:30 P.M. in the Engineering Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee is scheduled to meet March 1, 2012 at 6:30 P.M. in the Council Conference Room. On March 22, 2012 the Committee will hold a meeting for residents regarding electric outages.

SAFETY COMMITTEE REPORT

A Safety Committee meeting is scheduled for February 29th at 6:30 P.M. in the Council Conference Room.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet March 8th at 6:30 P.M. in the Engineering Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee is scheduled to meet March 7th at 7:00 P.M. in the Council Conference Room.

AVON LAKE COMMUNITY COUNCIL REPORT

The Community Council will hold a food drive entitled "March Away Hunger" during the month of March. Community Resource Services assisted residents 4868 times through various programs in 2011, which is a 20% increase over 2010. Collection boxes will be placed in various locations in Avon Lake.

MOTIONS

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Mr. Meiners moved to add a motion to the agenda to retain the services of Sudsina & Associates in the amount of \$7500 for capital and debt planning services.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the 2012 asphalt street program.

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

No: None

Motion carried.

Mr. Meiners moved to authorize the Mayor to enter into an agreement with the Auditor of State for a performance audit. The Auditor's office will perform a performance audit for the Parks & Recreation Department and City buildings for a total amount of \$11,500. The Recreation Department audit report will include reviews of staffing levels, delivery of services, technology use, and pool operations including revenue, staffing, membership levels, fees, and internal controls of revenue collection. The audit report of the City buildings will include reviews of current building use throughout the City and potential changes to staffing, efficiency, and reduced costs.

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

No: None

Motion carried.

Mr. Kos moved to confirm the Mayor's appointment of Eric Johnson to the Avon Lake Historical Preservation Commission for a term expiring December 31, 2012. Mr. Shondel reviewed Mr. Johnson's qualifications.

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

No: None

Motion carried.

Mr. Meiners moved to authorize the Mayor to sign an engagement letter with Sudsina & Associates in the amount of \$7,500 for capital and debt planning services. The financial advisor will assist the City in all aspects of financing to help develop a five-year capital plan and develop a financial rating strategy.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #9929, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #9929. The Police Chief recommended donating unclaimed bicycles to the Oberlin Bike Co-op. There are 70 unclaimed bicycles.

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

No: None

Motion carried.

Ordinance No. 22-2012 adopted.

Second Readings:

Temporary Legislation #9934, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LEADMAN IN THE SERVICE DEPARTMENT ESTABLISHING THE QUALIFICATIONS FOR SAID POSITION AND REPEALING ORDINANCE NO. 105-91, was read by title only.

This and the following five job descriptions were recommended by the Human Resources Director and Service Director to bring them up to date and properly reflect the duties of the positions.

Temporary legislation #9935, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LABORER IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 68-2008, was read by title only.

Temporary legislation #9936, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EQUIPMENT OPERATOR IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 106-91, was read by title only.

Temporary legislation #9937, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EQUIPMENT OPERATOR IN TRAINING IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 107-91, was read by title only.

Temporary legislation #9938, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF UTILITYMAN IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 196-86, was read by title only.

Temporary legislation #9939, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF MECHANIC IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 63-95, was read by title only.

Temporary Legislation #9941R, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MIKE BRAMHALL AS MUNICIPAL ENGINEER, ESTABLISHING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9941R. According to the City Charter, the City is required to appoint a licensed civil engineer to act as the municipal engineer. The salary is \$100 per hour.

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

No: None

Motion carried.

Ordinance No. 23-2012 adopted.

Temporary Legislation #9947R, A RESOLUTION RENEWING RESOLUTION NO. 132-94, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE COMMUNITY REINVESTMENT AREA AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

The Community Reinvestment Area (CRA) program allows for tax abatement on property tax for certain businesses which comply with the requirements. The program is offered as an incentive for businesses to move into and remain in Avon Lake. The City is required to evaluate and renew the CRA agreements every two years.

Temporary Legislation #9948, A RESOLUTION DESIGNATING THE AVON LAKE SETTLEMENT AS THE YEAR 1819, AND THE YEAR 2019 AS THE AVON LAKE BICENTENNIAL YEAR, was read by title only.

In 2011 the Avon Lake Historical Preservation Commission conducted extensive research and confirmed the decision of the Council in 1968 that the year 1969 was the City's 150th year. The Public Service Committee accepted the recommendation of the Avon Lake Historical Preservation Commission that the year of settlement of

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Avon Lake was 1819, and the year 2019 shall be the bicentennial year, the 200th anniversary of the permanent and continuous settlement of the area now known as the City of Avon Lake.

First Readings:

Temporary Legislation #9951, A RESOLUTION REQUESTING THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03 TO CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.25 MILL REPLACEMENT LEVY WITH A .50 INCREASE TO EQUAL A 1.75 MILL LEVY, AND A 1.25 MILL REPLACEMENT LEVY WITH A .75 INCREASE TO EQUAL A 2.00 MILL LEVY FOR THE PURPOSE OF AN AMBULANCE AND EMS LEVY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9951. The paramedic levy will expire at the end of 2012. A 1.25 replacement level and a 1.50 replacement levy will leave a deficit in the paramedic fund. In order to maintain the current level of paramedic services, a 1.75 or a 2.00 mill replacement levy is needed. If the replacement levy is not approved by the voters, one-third of the paramedic force will be laid off.

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

No: None

Motion carried.

Resolution No. 24-2012 adopted.

Temporary Legislation #9952, AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPEAR AS COUNSEL ON BEHALF OF THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9952. The Law Director requested authority to represent the City in the following pending cases with

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the following fee limits: Avon Lake v. Spaulding Construction - \$500.00; American Insurance Company v. Travelers Insurance Co. - \$3000; Brian Bardwell v. Avon Lake Police Department - \$500; Elyria v. Levin Tax Commissioner - \$200; Jack Redilla et al. v. Avon Lake Zoning Board of Appeals - \$3000; U.S. National Bank v. Anderson - \$300.

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

No: None

Motion carried.

Ordinance No. 25- 2012 adopted.

Temporary Legislation #9953, AN ORDINANCE AWARDDING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9953. Huffman Equipment Rental submitted the low bid of \$44,375. This is an annual project.

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

No: None

Motion carried.

Ordinance No. 26-2012 adopted.

PUBLIC INPUT

Jan Van Wagner, 118 Herrmann Drive, asked for support of the " March Away Hunger" food drive.

Chris Quinlan, 73 Community Drive, asked for clarification of the Independence Day celebration.

Mayor Zilka confirmed the Independence Day fireworks celebration will take place on July 3rd at Weiss Field.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

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Motion carried.

Adjournment: 8:30 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council