

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JULY 8, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on July 8, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. O'Donnell 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 June 24, 2013 Regular Council Meeting were approved as prepared and published

CORRESPONDENCE

- James Sayler, Henry G. Reitz Engineering, Co.
- Eugene Fox, North Coast Community Workshop
- Frank Szabo, 644 Landerwood
- Doug Snyder, Majestic Excavating
- Mayor Michael, Mayor of Columbus
- Greg Holcomb, President, Lorain County Young Democrats
- Save the Woods Committee

MAYOR'S REPORT

Mayor Zilka made the following announcements.

A public forum meeting on drug abuse, including the use of heroin, is scheduled for August 13, 2013 at 6:30 P.M. at the Avon Lake Public Library.

Dave Kidder of Republic Services delivered a corporate plan for municipal services in the event of a work stoppage. The plan was developed as a result of a request from five area mayors who met after the April work stoppage.

The Mayor and Recreation Director Gerrone met with descendants of Walter Bleser regarding the naming of a baseball field at Bleser Park.

The Independence Day celebration was held at Weiss Field on July 4th with musical entertainment and fireworks. The Avon Lake Post 211 presented the colors according to protocol and members of the Avon Lake High School Chorale sang the National Anthem.

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On July 4th the “Smiles for Sophie” 5K walk/run was held at Walker Road Park.

A press conference will be held July 12th at 10:00 A.M. at the Avon Lake municipal pool. The PolyOne fish which is part of the “Follow the Fish” program will be unveiled.

The Mayor and Council President O’Donnell met with representatives of Mexichem, the new Avon Lake Corporation. PolyOne sold its resin facility to Mexichem.

COUNCIL PRESIDENT’S REPORT

Council will be on summer recess from July 9th to August 18. The next Collective Committee meeting is scheduled for August 19th. The next regular Council meeting is scheduled for August 26th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

The Pin Oak Parkway culvert project began July 4th and continued through the weekend. The road was reopened on July 8th.

A meeting was held with NOACA to finalize the signage plans for the deer vehicle collision prevention study.

The street repair program has been progressing in The Landings.

The “Hooks for Hunger” fishing tournament was held July 6th. Proceeds went to Community Resource Services.

LAW DIRECTOR’S REPORT

The Law Director’s litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Shondel reported that from January through June of 2013 a total of 35 deer carcasses were picked up by the Service Department. That is a 30% increase over the average of the last two years.

FINANCE COMMITTEE REPORT

Mr. Meiners reported on the following items discussed at the July 1st Finance Committee meeting: transfer of funds; the health contract; the hiring of a financial consultant; and funding of the salt barn.

Mayor Zilka stated that the base bid for the salt barn was \$186,000; the estimate was \$150,000. After receiving information from the City of Avon regarding the limitations of their salt barn, Mr. Reitz upgraded the standards and established more expensive options raising the price of the salt barn bid. An alternate bid was received to install asphalt around the salt barn bringing the total up to \$243,000.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the following items were discussed at the July 1st Public Service Committee meeting: the Belle Road Park restroom; the salt barn bid; a proposal to convert the ice pond area to a sports field; a motion to accept a donation for the dog park; and a donation for Weiss Field.

Mr. James reported that Jim Ziemnick, the Director of Lorain County Metro Parks, met with the Public Service Committee and indicated that Lorain County Metro Parks would prefer to build a restroom at the Kopf Family Reservation on their own property adjacent or near to Belle Road Park. Consequently, the Public Service Committee determined that it was appropriate to table the recommendation of the Parks & Recreation Commission to build a restroom on Belle Road Park property. Therefore, the Public Service Committee will not refer the item to Council. Lorain County Metro Parks will go through the normal building procedures according to the Avon Lake Planning and Zoning Code.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel stated a resident reported many small power outages occurred in his neighborhood. First Energy gave Mr. Shondel a detailed report listing the dates and causes of the outages, several of which were caused by tree limbs. Residents who have a power outage of any duration should call 1-888-lightss so First Energy has a record of outages.

SEWER COMMITTEE REPORT

The Sewer Committee will not meet in July and August. The next meeting is scheduled for September 12th.

The Belmar Road sewer project will begin July 15th. The contractor is already bringing equipment to the area. Alerts and updates are posted on the Municipal Utilities website; residents can register to be notified via e-mail.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on results of the June 26th meeting of the Zoning Board of Appeals.

HISTORICAL PRESERVATION COMMISSION REPORT

Mr. Kos reported the Historical Preservation Commission recommended the application for historical landmark designation for the Folger Home and referred the application to Planning Commission. The proper name of the Folger Home is Assembly Hall which is the name on the lease.

Mr. James asked the Mayor to update Council on the status of the Folger Home lease. Mayor Zilka stated the six month lease expires September 30, 2013. He intends to meet with the Landmark Preservation Society to work on a new lease.

The next meeting of the Commission is scheduled for September 25th.

AUDIENCE PARTICIPATION

Timothy Rush, 554 Treeside Lane, discussed the Charter amendments proposed by the Charter Review Commission. A proposed amendment to Charter Chapter IX, Section 45 would designate the Mayor and a member of Council as ex officio members of the Board of Municipal Utilities. As ex officio members they would be entitled to attend all Board meetings and Executive Sessions. They would not be able to vote at Board meetings, make motions, or be counted for a quorum, or serve as Chair. This proposed amendment would promote a collaborative effort between the Mayor, City Council, and the Utilities Board improving information sharing and transparency. It would also provide for better debate and discussion of issues affecting all Avon Lake citizens and would increase the ability to create joint policies and strategic plans.

The proposed amendment to Charter Chapter X, Section 59 addresses competitive bidding as recommended by the Chief Utilities Executive of the Avon Lake Municipal Utilities.

William Heine, 521 Crossings Way, spoke in support of the two proposed Charter amendments.

Lee Pena, 32632 Spinnaker Drive, Avon Lake, addressed Council regarding NRG's plans to convert the power plant from coal to natural gas. He expressed his opposition to the conversion and urged Council to investigate different uses of the property through the West End Redevelopment Commission.

MOTIONS

Mr. Kos moved to add a motion to the agenda to return the form to the Division of Liquor Control regarding a liquor license transfer for property located at 33433 Lake Road indicating the City does not request a hearing.

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

No: None

Motion carried.

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Mr. Kos moved to add a motion to the agenda regarding a liquor license transfer from the Irish Heritage Club to Zinsmeister Family Business indicating the City does not request a hearing.

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

No: None

Motion carried.

Mr. Meiners moved to authorize the Mayor to sign an agreement with James G. Zupka, C.P.A., Inc. for accounting services. The agreement amount shall not exceed \$5000.

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

No: None

Motion carried.

Mr. James moved to authorize the Mayor to sign a contract with Bramhall Engineering for design services for pollution prevention practices at City buildings. Bramhall will review City buildings to make determinations regarding pollution control and prevention to be in compliance with State and Federal law. The contract amount shall not exceed \$13,500.

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

No: None

Motion carried.

Mr. James moved to authorize the purchase and installation of a new computer server in the Engineering Department. The new server is necessary for the Engineering Department to operate GIS software and provide additional file storage space. The contract will be with OneLink Technical Services in the amount of \$14,092.50.

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

No: None

Motion carried.

Mr. James moved to accept a donation for a restroom roof at Weiss Field. The company making the donation assigned a roof value of \$3000. In return for the donation, they requested permission to display an advertising banner at the baseball field fence according to the Avon Lake sign code.

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

No: None

Motion carried.

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Mr. James moved to accept a donation for the dog park. A longtime friend of the late Shirley Beeler Rogers would like to donate of \$100 to the dog park in her memory.

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

No: None

Motion carried.

Mr. Bucci moved to establish the following terms of the members of Community Improvement Corporation (CIC): Janice Lapina – 1 year.; Jeff Grove and David Lyons – 2 years; David Wolsky and Joe Carson – 3 years.

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

No: None

Motion carried.

Mr. Kos moved to accept an EMS grant in the amount of \$2,750. The grant is from the State of Ohio.

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

No: None

Motion carried.

Mr. Kos moved to direct 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 33433 Lake Road, Inc. dba Avon Lake Shell located at 33433 Lake Road to Avon Lake Gas located at 33433 Lake Road. The Police Chief has no objections to the transfer.

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

No: None

Motion carried.

Mr. Kos moved to direct 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 the Irish Heritage Club, Inc. to Zinsmeister Family Business, LLC dba The Breakwall Food & Spirits located at 153 Lear Road. The Police Chief has no objections to the transfer.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10176, AN ORDINANCE AWARDDING A CONTRACT FOR AN HVAC CONTROL UNIT FOR THE SAFETY CENTER, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10176. The computer control unit for the Safety Center is outdated and the software and controllers are not functioning properly. An upgrade to the system was budgeted and should be installed before the system fails. The Director of Service and Engineering recommends awarding the contract to Trane in the amount of \$89,404 through the Ohio State Term Schedule.

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

No: None

Motion carried.

Ordinance No. 90-2013 adopted.

Temporary Legislation #10177, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO CHAPTER IX, SECTION 45 OF THE MUNICIPAL CHARTER TO DESIGNATE THE MAYOR AND A MEMBER OF COUNCIL AS EX OFFICIO MEMBERS OF THE BOARD OF MUNICIPAL UTILITIES, ESTABLISHING THE POWERS AND TERMS OF SUCH EX OFFICIO MEMBERS, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10177. City Council is required to place Charter amendments on the ballot that have been recommended by the Charter Review Commission. The Commission voted to present to the electorate an amendment to Chapter IX, Section 45 which would designate the Mayor and a member of Council as ex officio members of the Board of Municipal Utilities and establish their terms of office and duties. As ex officio members they will not have voting rights and will not be permitted to serve as chair of the Board. The amendment will give the administration a formal presence on the Board and will allow them to contribute to discussions and attend Executive Sessions. There are many benefits to this amendment including human resources, legal, engineering, and finance issues. This will be a way for Council and the Board to collaborate their resources in setting strategy and plans over the next ten years when the Municipal Utilities is taking on approximately \$80 million of capital improvements, most of which involve sewer separation.

Mr. James explained the Charter Review Commission is established every five years and is composed of Avon Lake residents appointed by Council and the Mayor. He stated that he supports both proposed amendments.

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

No: None

Motion carried.

Ordinance No. 91-2013 adopted.

Temporary Legislation #10178, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO CHAPTER X, SECTION 50 OF THE MUNICIPAL CHARTER TO GRANT THE BOARD OF MUNICIPAL UTILITIES THE POWER TO ADOPT PROCEDURES FOR COMPETITIVE BIDDING, TO AUTHORIZE THE EXPENDITURE OF FUNDS WITHOUT COMPETITIVE BIDDING PURSUANT TO COOPERATIVE AGREEMENTS WITH OTHER GOVERNMENTAL AGENCIES OR WHEN PERMITTED BY THE GENERAL LAWS OF THE STATE OF OHIO, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #10178. This amendment was recommended by the Charter Review Commission and will appear on the November ballot. This will clarify the bidding process for the Municipal Utilities.

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

No: None

Motion carried.

Ordinance No. 92-2013 adopted.

Temporary Legislation #10179, AN ORDINANCE AMENDING SECTION 256.03 OF THE CODIFIED ORDINANCES TO ESTABLISH RESIDENCY REQUIREMENTS FOR EMERGENCY RESPONDERS, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10179. Council previously accepted the revised Civil Service Rules as prepared by the Civil Service Commission. It has subsequently been recommended that separate legislation be adopted pursuant to the residency requirement added to Rule 6, Section A of the Civil Service Rules. The ordinance also includes a definition of emergency responders which includes all members of the Police Department, Fire Department, Board of Municipal Utilities, and employees of the Service Department. Pursuant to the residency requirement all emergency responders must live in Lorain County or a contiguous county. Under Ohio Revised Code, municipalities are permitted to establish residency requirements for emergency responders employed by the City. Employees already employed by the City are not subject to the residency requirement.

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

No: None

Motion carried.

Ordinance No. 93-2013 adopted.

Second Reading:

Temporary Legislation #10186R, AN ORDINANCE ESTABLISHING THE AVON LAKE WEST END REDEVELOPMENT COMMISSION.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10186R. The Commission will act as an advisory body and will study the conversion of the power plant and the impact on Avon Lake for the present and possible future redevelopment of the area. Mr. Bucci and Mr. James will co-chair the Commission. The Commission will consist of the following: two additional members of Council, a school board member, a member of the Economic Development Advisory Board, a member of the Municipal Utilities, two members from the Avon Lake business community, and four residents.

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

No: None

Motion carried.

Ordinance No. 94-2013 adopted.

First Readings:

Temporary Legislation #10187, AN ORDINANCE PROVIDING FOR THE RENEWAL OF THE HEALTH SERVICES CONTRACT WITH THE LORAIN CITY HEALTH DEPARTMENT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID AGREEMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10187. The health contract with the City of Lorain will expire July 31st. The Mayor negotiated with the Mayor of Lorain and was able to secure an \$8000 reduction in cost from last year's contract. The new contract amount is \$80,000. Certain services will be discontinued since they haven't been used in several years.

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

No: None

Motion carried.

Ordinance No. 95-2013 adopted.

Temporary Legislation #10188, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10188. The Engineering Department Manager requested the Mayor to file an application for the Round 28 Ohio Public Works Commission (OPWC) grant for improvements to the Lear Road/Krebs Road intersection.

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

No: None

Motion carried.

Ordinance No. 96-2013 adopted.

Temporary Legislation #10189, AN ORDINANCE AUTHORIZING THE PURCHASE OF A JOHN DEERE LOADER FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10189. The Director of Service and Engineering recommended the purchase of a 2013 544K John Deere loader for the Service Department from Murphy Tractor and Equipment in the amount of \$138,995.49. This is a State term discount of 37% from the retail price.

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

No: None

Motion carried.

Ordinance No. 97-2013 adopted.

Temporary Legislation #10190, AN ORDINANCE AWARDED A CONTRACT FOR CITY HALL SECURITY IMPROVEMENTS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. James moved for passage of Temporary Legislation #10190. The Engineering Department Manager recommended a contract with Rebman Systems, Inc. for an Intrusion Alarm System and Access Control for City Hall as part of the enhanced security plan developed by Lt. Streater and Lt. Moore. The cost of the Intrusion Alarm System is \$4,982.30; the cost of the Access Control is \$10,356.

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

No: None

Motion carried.

Ordinance No. 98-2013 adopted.

Temporary Legislation #10191, AN ORDINANCE AUTHORIZING THE PURCHASE OF A LEAF/WOOD CHIP BOX FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10191. The Director of Service and Engineering recommended the purchase of a replacement box for Truck 140 used by the Service Department for leaf and wood chipping. The cost of the new box is \$28,545.92 and will be purchased from Concord Road Equipment at the State purchasing price.

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

No: None

Motion carried.

Ordinance No. 99-2013 adopted.

Temporary Legislation #10192, AN ORDINANCE AWARDING A CONTRACT FOR A SALT STORAGE BARN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10192. This legislation will award a contract to Miller Builders for construction of a salt storage barn. This item was discussed at the July 13, 2013 Public Service Committee meeting, at which the Committee reviewed the bid sheet with two bids; one bid was defective leaving the only valid bid from Miller Builders. Miller Builders bid came in with a base bid of

\$186,758 with an alternate bid for an asphalt apron of \$59,483 for a total of \$246,241; the estimate was \$150,000. The administration informed the Public Service Committee that appropriations could be amended to cover the higher bid that was over the estimated amount. The Committee voted 4-0 to accept the base bid and the alternate bid and recommend them to Council for approval. Since then, the administration changed its recommendation.

Mayor Zilka made the following comments. When the original estimate was made at \$150,000, the City was considering a more basic structure that was less environmentally stable. As Mr. Reitz investigated the salt storage barn in Avon further and observed some deficiencies in that structure, new specifications were written for a more improved building which resulted in a higher bid. In past years, the City has paid as much \$7000 a year to store salt that the City could not store on its own property due to limited space, which is why the City wishes to construct the larger salt barn to accommodate all the salt required for a heavy winter. After the Public Service Committee met, the administration decided that due to the high bid the asphalt apron around the barn could be postponed until next spring when bids will be solicited for the street program. The administration and Engineering Department Manager feel the alternate bid for the asphalt apron should be rejected and the base bid for an improved structure should be accepted.

Mr. Reitz made the following comments. The major consideration for the improved structure is to have waterproof walls to avoid salt runoff into the neighboring retention basin to be in compliance with EPA regulations.

In light of the administration's recommendation, Mr. James moved to amend Temporary Legislation #10192 by replacing the amount of \$246,241 in Sections No. 1 and 2 with the amount of \$186,758, which is the base bid.

Mrs. Fenderbosch asked Mr. Reitz what the plans are to protect the retention basin area until the asphalt apron is constructed. Mr. Reitz stated the site will be graded so the sheet flow is into the parking lot and away from the retention basin.

Mr. Meiners expressed his disappointment that the administration changed its position since discussion with the Finance Director. There are funds left over from the generator project that were to be applied to the \$246,241 cost of the salt barn and apron. This is the amount approved by the Finance Committee. The Mayor and Mr. Reitz recommended the base bid and the alternate bid for the asphalt apron. They recommended the apron be installed to avoid the deterrent of gravel and dirt being mixed with the salt, which is why the Finance Committee approved the expenditure. Mr. Meiners stated that the unanimous vote to recommend the asphalt apron by the Public Service Committee and the Finance Committee should be honored.

Mr. Bucci stated that he would not be able to support the base bid and alternate bid for the asphalt apron since the amount is significantly higher than the \$150,000 estimate. He further stated that he understands the importance of committee

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recommendations, but this is a special circumstance and it is important to get the salt barn constructed before the winter. The City can re-bid the asphalt work next spring.

Mrs. Fenderbosch stated that sometimes better ideas evolve after the committee meetings. She stated that she does not have an issue with the change in the project and accepting the alternate bid, but does have an issue with the chair of the committee not being consulted with the change in the recommendation from the administration. The project will now be done in stages with the second stage being construction of the apron which can be merged with other asphalt projects next spring to possibly achieve better pricing.

Mr. O'Donnell stated that after the committee meeting and discussion with the Mayor, he had concerns with the discrepancy between the total project cost and the estimate. The Mayor suggested the alternative of removing the asphalt apron from the project this year. The main objective is to get the salt barn constructed this year.

The roll was called on the amendment to Temporary Legislation #10192.

Yes: Shondel, Bucci, Fenderbosch, James, Kos, O'Donnell
No: Meiners
Motion carried.

The roll was called on passage of Temporary Legislation #10192.

Yes: Shondel, Bucci, Fenderbosch, James, Kos, O'Donnell
No: Meiners
Motion carried.

Ordinance No. 100-2013 adopted.

Temporary Legislation #10193, AN ORDINANCE AUTHORIZING THE PURCHASE OF A VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Kos moved for passage of Temporary Legislation #10193. Lt. Streator recommended the purchase of a 2014 Chevrolet Tahoe 2wd 1500 Police Package from Byers Chevrolet in the amount of \$26,988.00.

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

Ordinance No. 101-2013 adopted.

Temporary Legislation #10194, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A STUDIO FOR ARTS, CRAFTS, AND INSTRUCTION IN THE AVON LAKE SHOPPING CENTER, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10194. North Coast Community Workshop submitted a request for a conditional use permit for a studio for arts, crafts, and instruction in the Avon Lake Shopping Center. The workshop will provide space for members to use woodworking tools, socialize, and learn to create projects for personal use and for charitable organizations. The required Public Hearing was held at the July Planning Commission meeting. Mrs. Fenderbosch referred to the plans projected on the screen.

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

No: None

Motion carried.

Ordinance No. 102-2013 adopted.

Temporary Legislation #10195, AN ORDINANCE APPROVING THE PRELIMINARY PLANS FOR HAMPSHIRE HIGHLANDS MULTI-FAMILY DEVELOPMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10195. Redwood Management submitted a preliminary plan for Hampshire Highlands, a multi-family one story complex consisting of 81 units located on Webber Road. Planning Commission approved this project with two conditions; the developer must move the entrance to be aligned with the barn to the north; the street must be moved creating an additional ten feet from the property lines to accommodate a landscaping mound. The required public hearing was held at the July Planning Commission meeting. Mrs. Fenderbosch referred to the plans projected on the screen.

Mr. Shondel asked what assurances have been made that there will be significant buffering. Mr. Reitz stated that the improvement plans will have to include a highly

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detailed set of landscaping plans. The Engineering Department will inspect the landscaping before final approval is given.

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

No: None

Motion carried.

Ordinance No. 103-2013 adopted.

Temporary Legislation #10196, AN ORDINANCE APPROVING THE FINAL PLAT FOR GRAMERCY PLACE PHASE 3, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10196. The final plat for Gramercy Place Phase 3 was submitted to Planning Commission for approval. The plat is in accordance with the approved preliminary plan and all improvements have been installed. Mrs. Fenderbosch referred to the plans projected on the screen.

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

No: None

Motion carried.

Ordinance No. 104-2013 adopted.

Temporary Legislation #10197, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR FERNWOOD AVENUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10197. A request was submitted to Planning Commission for approval of improvement plans for a 40 foot extension of Fernwood Avenue west of Richland Drive for the purpose of building a new home on the north side of the street. The improvements will extend the pavement, and storm and sanitary sewers. Mrs. Fenderbosch referred to the plans projected on the screen.

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

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No: None

Motion carried.

Ordinance No. 105-2013 adopted.

Temporary Legislation #10198, AN ORDINANCE APPROVING THE RE-SUBDIVISION PLAT FOR LEEWARD COURT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10198. The property owner requested approval for a re-subdivision plat to consolidate portions of two parcels at 31745 Leeward Court. The plat will consolidate the existing landlocked parcel.

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

No: None

Motion carried.

Ordinance No. 106-2013 adopted.

Temporary Legislation #10199, AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A SETTLEMENT WITH HARTFORD FIRE INSURANCE COMPANY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10199. A police vehicle was damaged when struck by a civilian driver and deemed to be a total loss. After negotiations between the Law Director, Lt. Streater, and Hartford Insurance, the at fault party's insurance company agreed to an \$18,000 settlement with the damaged police vehicle being turned over to the insurance company.

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

No: None

Motion carried.

Ordinance No. 107-2013 adopted.

Temporary Legislation #10200, AN ORDINANCE DESIGNATING ASSEMBLY HALL, KNOWN AS THE FOLGER HOME, AS A HISTORIC LANDMARK, was read by title only.

Mrs. Fenderbosch explained the Avon Lake Historic Preservation Commission requested historic designation for the Folger Home. The request is for the building and not the land on which it is situated. Thomas Folger moved to the Avon Township property owned by his father in 1875 and inherited the property in 1885. About 150 acres of the land was composed of vineyards. Mr. Folger served as Mayor of Elryria and served at the Battle of Gettysburg during the Civil War. The building has had many uses over the years including serving as City Hall, and has been known by many names including The Old Village Hall, Veterans Memorial Hall, and Park Hall. At their July meeting, Planning Commission voted to recommend to Council that the Folger Home be designated as a historic landmark. If historic landmark designation is granted, it will qualify for grants for renovation and preservation. The Landmark Preservation Society has had challenges since they do not have funds for the preservation, and therefore, have not been able to keep its membership interested. Presently, only the first floor is used as rental space. With proper renovation, the second floor could be used for various functions. Any remodeling would need to stay within the preservation rules of design.

Following are the reasons for the landmark designation listed in the application: its character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation; its identification with a person of significance in our past; its embodiment of distinguishing characteristics of a building type or architectural style; a unique location or singular physical characteristics presenting an established and familiar visual feature of a neighborhood or of the City.

Mr. Kos stated that once the building is restored, the idea is to use the building as Assembly Hall where groups and organizations can gather.

Temporary Legislation #10201, AN ORDINANCE AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH CLARK & POST ARCHITECTS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10201. The contract amount shall not exceed \$20,000 to assist the City with reorganization and consolidation of departments to offer maximum service to the residents.

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Mr. James moved to amend Temporary Legislation #10201, by striking “Bramhall Engineering” in Section No. 2 and replacing it with “Clark & Post Architects, Inc.”

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

The roll was call on passage of Temporary Legislation #10201.

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

Ordinance No. 108-2013 adopted.

Temporary Legislation #10202, AN ORDINANCE PROVIDING FOR TRANSFERS, ADJUSTMENTS TO PERMANENT APPROPRIATIONS 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: Shondel, Bucci, Fenderbosch, James, Kos, Meiners, O’Donnell
No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10202. The Finance Director determined certain transfers of funds, adjustments to permanent appropriations, and adjustments to estimated revenues are needed for the immediate expenses of the City.

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

Ordinance No. 109-2013 adopted.

Temporary Legislation #10203, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 232.03, ENTITLED FIXED ASSETS AND SUPPLY INVENTORIES; AUDITS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

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Mr. Meiners moved for passage of Temporary Legislation #10203. The State Auditor recommended amending Codified Ordinance Section 232.03, entitled Fixed Asset and Supply Inventories; Audits. The amendment will change the capital asset and supply inventory schedule from \$500 to \$10,000. This amendment will streamline audit procedures.

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

No: None

Motion carried.

Ordinance No. 110-2013 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

On August 9th an electric vehicle event will be held at Weiss Field beginning at 6:30 P.M. and will be followed by the movie "Back to the Future".

Construction on the Rebecca Lane subdivision, south of Titus Hill Lane, will begin within the next weeks.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 10:10 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council