

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JUNE 24, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on June 24, 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 10, 2013 Regular Council were approved as amended.

CORRESPONDENCE

A letter was read from Eric Kennedy of Rocky River commending the Avon Lake Police and paramedics for their assistance and care when he was struck by a vehicle while riding his bicycle on Lake Road.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Many residents notified the Mayor's office that they did not receive a Code Red alert warning of severe weather that occurred on June 12th. If individuals signed up for Code Red before September of 2012, they were not automatically registered for weather alert service. Anyone wishing to receive severe weather alerts should re-register for Code Red on the Avon Lake website. There are also various free weather alert apps available for smart phones. A plan is being developed to send out an "all call" to those who have signed up for Code Red to remind them to update their service.

It was announced in a press conference that NRG plans to keep the Avon Lake plant open beyond the April 2015 decommissioning date by converting the plant to natural gas. There are many details to be worked out and the plans are not final until approval is secured from the State of Ohio and the Federal EPA. The administration recommends that Council proceed with efforts to plan for the closing of the plant.

Concerts at Miller Road Park will feature the following: Dynamic Duo on June 30th; and Rick Keane on July 7th. The movie Field of Dreams will be shown July 12th at Weiss Field.

The Folger Home flea market will be held June 25 – June 30.

Independence Day will be celebrated on July 3rd at Weiss Field with pageantry, entertainment, and fireworks beginning at 7:00 P.M.

The *Smiles for Sophie* walk/run fundraiser will take place on July 4th at Walker Road Park. All proceeds will go to pediatric brain cancer research.

The *Hooks for Hunger* fishing derby will be held on July 6th from 6:00 A.M. – 2:00 P.M. at Miller Road Park. All proceeds will go to Community Resource Services.

The Avon Lake Wine Festival will take place on July 13th at Veterans Memorial Park.

The Summer Market will take place on July 26th and 27th at Veterans Memorial Park.

Emily's Walk of Hope will be held July 27th at the Avon Lake High School football stadium. The event will raise awareness of infant mortality and in utero mortality. Information is available at emilysgifttohope.org.

A tornado/fire drill will be held on July 1st during the Collective Committee meeting as part of the City Hall safety plan. Everyone should check evacuation maps located throughout the building.

PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for July 1st and the next regular Council meeting is scheduled for July 8th. July 8th will be the last regular Council meeting before Council recess. Any items that need Council action should be forwarded to the Clerk of Council by June 27th. Council will be on recess from July 8th through August 18th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

HUMAN RESOURCES COMMITTEE REPORT

The July 1, 2013 Human Resources Committee meeting has been cancelled.

PUBLIC SERVICE COMMITTEE REPORT

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Mr. James reported the following items were discussed at the June 24, 2013 Public Service Committee meeting: restrooms at Belle Road Park, levy funds for Bleser Park, salt barn bids, Safety Center windows, 2013 OPWA grant, Engineering Department server, City Hall security, engineering services for best management practices at City buildings, purchase of a John Deere loader, and purchase of a leaf chip box.

A Special Public Service Committee meeting is scheduled for July 1, 2013 at 6:30 P.M. in the Engineering Conference Room to discuss restrooms at Belle Road Park and salt barn bids.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported that First Energy will conduct vegetation surveys all during the summer with random helicopter flights.

An electric pole was down at Artsdale and Electric Boulevard on June 24, 2013 at 3:38 P.M. A First Energy service truck was dispatched at 3:51 P.M.

All outages and power surges should be reported to First Energy at 888-lightss so they have a record to identify problems.

SAFETY COMMITTEE REPORT

A Safety Committee meeting is scheduled for June 26, 2013 at 6:00 P.M. in the Council Conference Room. The agenda includes discussion of the purchase of a police vehicle and review of the Code Red system.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reviewed the following items discussed at the June 13, 2013 Sewer Committee meeting: update of water main breaks; LORCO update and financials; update on ALMU name change; ALMU water event in 2014; Belmar sewer separation project bid; screening process for contracts for the lateral sewer separation project; update on sewer lateral program; and update on the sump pump program.

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

PLANNING COMMISSION REPORT

Mr. Reitz stated that public hearing notices were sent to residents for a multi-family development on the south side of Webber Road. Public Hearing notices were also sent for Golf Zone, a proposed business for Towne Center. Gulf Zone withdrew its application to Planning Commission and it will be removed from the July Planning Commission agenda.

Planning Commission will consider the historic designation of the Folger Home and the Gramercy Phase 3 plat at the July meeting.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals is scheduled to meet June 26, 2013.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet June 26, 2013 at 7:00 P.M. at the Lake House.

HISTORICAL PRESERVATION COMMISSION REPORT

The Historical Preservation Commission is scheduled to meet June 26, 2013 at 7:00 P.M. at the Avon Lake Public Library. The Commission will not meet in July and August.

MOTIONS

Mr. Meiners moved to authorize the Mayor to sign the application for fireworks insurance. The Finance Committee voted 4-0 to accept the insurance quote in the amount of \$600. Finance Director Bryan stated that the estimate for the fireworks insurance was \$600, but the premium will be \$850 which is the amount charged to all municipalities. Mr. Meiners questioned whether this increase could be authorized by Council since it is not the amount approved by the Finance Committee. Mayor Zilka stated that the Finance Committee is a recommending body and recommended accepting the quote of a \$600 premium based on the information available at the Finance Committee meeting. Since that meeting, additional information was received. Council is a separate body and has the power to approve the additional amount based on the information provided by the Finance Director.

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

No: None

Motion carried.

Mr. Meiners moved to authorize the advertisement of bids for property, casualty, and liability insurance for the City of Avon Lake. Bids will be advertised the first week of August and bids will be opened the last week of August. Previously the City always asked for bids for a two-year policy, but this year bids will be solicited for a three-year policy. The Finance Committee approved this item by a vote of 4-0.

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

No: None

Motion carried.

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Mr. Meiners moved to authorize the auctioning of City property no longer of use on govdeals.com. The City has used this site successfully to sell vehicles and various equipment. The Finance Committee approved this item by a vote of 4-0.

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

No: None

Motion carried.

Mr. Bucci moved to authorize requests for proposals for consulting services related to the GenOn plant conversion. The Economic Development Committee recommended hiring a consultant to advise the Mayor, Council, and the Advisory Commission on issues related to the conversion of the GenOn plant and the impact on Avon Lake.

Mr. James stated that it is important to move ahead with plans regarding the decommissioning of the GenOn plant despite the announcement that GenOn intends to keep the plant open and convert to natural gas. No matter what happens to the plant, there are opportunities that need to be explored, especially given the economic situation of Avon Lake.

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

No: None

Motion carried.

Mr. Bucci moved to confirm the Mayor's appointment of Janice Lapina, Joseph Carson, and David Wolski to the Community Improvement Corporation. The Community Improvement Corporation was established to provide low interest loans to small businesses. The directors will oversee the Corporation.

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

No: None

Motion carried.

Mr. Bucci moved to appoint David Lyons and Jeff Grove to the Community Improvement Corporation.

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

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 new liquor license for Parkers Grille & Tavern LLC. The establishment is located in Towne Center Shopping Center. The Police Chief has no objections to the new license.

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

No: None
Motion carried.

LEGISLATION

Third Reading:

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

Mrs. Fenderbosch moved for passage of Temporary Legislation #10142R. 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 designation. This amendment will facilitate the application process. 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.

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

No: None

Motion carried.

Ordinance No. 83-2013 adopted.

Second Readings:

Temporary Legislation #10169, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10169. The City is required to submit a tax budget to the County Auditor as part of the budgetary process.

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

No: None

Motion carried.

Ordinance No. 84-2013 adopted.

Temporary Legislation #10175, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10175. The Director of Service and Engineering determined it is necessary to hire outside inspection services for the Pin Oak Parkway culvert replacement due to the nature of the project. Mr. Reitz recommended Bramhall Engineering which also serves as the City's engineering firm.

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

No: None

Motion carried.

Ordinance No. 85-2013 adopted.

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

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.

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 explained the Charter Review Commission is composed of Avon Lake residents of various backgrounds and professions with each ward being represented. 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 establishing 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. Over the next ten years, the Municipal Utilities is taking on approximately \$80 million of capital improvements, most of which involve sewer separation. The ex officio members will be able to assist with the coordination of those projects.

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.

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.

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.

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.

First Readings:

Temporary Legislation #10182, AN ORDINANCE AUTHORIZING PAYMENT OF A PROMISSORY NOTE TO NOEL ILG FOR LAND ACQUISITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. Meiners moved for passage of Temporary Legislation #10182. The City purchased property for park purposes from Noel Ilg in the amount of \$64,500 to be paid in three installments. The third payment of \$20,000 is due.

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

No: None

Motion carried.

Ordinance No. 86-2013 adopted.

Temporary Legislation #10183, A RESOLUTION IN SUPPORT OF OFFERING AVON LAKE RESIDENTS THE OPTION OF SIGNING A POWER PLEDGE TO PURCHASE A PORTION OF THEIR ELECTRICITY FROM POWER GENERATED FROM WIND TURBINES OFF THE COAST OF DOWNTOWN CLEVELAND, OHIO, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10183. The purpose of the Power Pledge is to build public support for the offshore wind project in Lake Erie. It will give the Federal government and power supply firms documented numbers of people interested in offshore wind energy.

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

No: None

Motion carried.

Ordinance No. 87-2013 adopted.

Temporary Legislation #10184, AN ORDINANCE PROVIDING FOR TRANSFERS, ADVANCES, AND ADJUSTMENTS TO PERMANENT APPROPRIATIONS AND ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

Mr. Meiners moved for passage of Temporary Legislation #10184. The Finance Director determined certain transfers and adjustments are needed for the immediate and necessary expenses of the City.

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

No: None

Motion carried.

Ordinance No. 88-2013 adopted.

Temporary Legislation #10185, AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF ALISON WADHAM AS MUNICIPAL ANIMAL WARDEN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10185. The Police Chief recommended Ms. Wadham for the position of Animal Warden with a monthly salary of \$889.42. This is an "on call, as needed" position.

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

No: None

Motion carried.

Ordinance No. 89-2013 adopted.

Temporary Legislation #10186, AN ORDINANCE ESTABLISHING THE AVON LAKE WEST END REDEVELOPMENT COMMISSION TO STUDY THE DECOMMISSIONING OF THE GENON/NRG PLANT IN AVON LAKE.

The Commission will act as an advisory body and will study the conversion of the power plant and the impact on Avon Lake. 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.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:45 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council