

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MARCH 12, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on March 12, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, 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.

There being no objections, Mr. Kos was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the February 27, 2012 Council Meeting were approved as prepared and published.

PROCLAMATION

Mayor Zilka presented a Proclamation to the Girl Scouts honoring the 100th anniversary of the Girl Scout organization.

MAYOR'S REPORT

Mayor Zilka commended the Avon Lake Fire Department for their efforts during a fire in Avon Lake at the Somerset Apartments on March 8th.

Mayor Zilka attended the Creative Arts Fair at Avon Lake High School.

The budget process is continuing. The City will be able to purchase vehicles and equipment for the Fire, Police, and Service Departments to maintain the level of services expected by the residents. The Service Department is down by four employees from five years ago. Due to budget restraints, the Mayor is not able to hire any new employees.

The Mayor participated in a conference call coordinated by State Representative Matt Lundy; participants included Mark Baird and Steve Davies from GenOn; State Representative Gayle Manning; Darrel Revolt and Dave Musting from Jobs Ohio; and Craig Butler from Governor Kasich's Office. The discussion addressed the

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proposed GenOn plant closing in Avon Lake and the impact it would have on the City and the Avon Lake schools.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for March 19th; the next Regular Council Meeting is scheduled for March 26th.

Due to Mr. Kos's absence, Mr. Bucci and Mr. James will handle his agenda items.

A Charter Review Ad Hoc Committee will be established to study an amendment to the Charter to allow the Board of Municipal Utilities to adjourn to Executive Session, and an amendment regarding a mayoral run-off election.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James made the following announcements.

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 Erie Chapters of Farmers and Hunters Feeding the Hungry.

The Environmental Committee will hold a joint meeting with the Safety Committee on March 28, 2012 at 6:15 P.M. in the Engineering Conference Room. A proposal from the Environmental Affairs Advisory Board prohibiting the feeding of deer will be discussed.

FINANCE COMMITTEE REPORT

A budget meeting is scheduled for March 15, 2012 at 6:30 P.M. in the Engineering Conference Room. A Finance Committee meeting is scheduled for March 19, 2012 at 6:00 P.M. in the Engineering Conference Room.

Mr. Meiners reported on the following items discussed at the Finance Committee meeting held March 1, 2012: RITA collections and adjustments to the general fund; the purchase of vehicles for the safety forces and the Service Department; elimination of the trash pick-up subsidy; a hiring freeze; elimination of the estate tax; renegotiation of labor contracts; and the purchase of an on-line legal research service.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the following items discussed at the Human Resources Committee held March 5, 2012: the duties and salary of the Zoning Administrator position; the Fire Chief's salary adjustment; and Police Department job descriptions.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee will sponsor a town hall style meeting on March 22, 2012 at 7:00 P.M. at the Lake House. Representatives from First Energy will be present to discuss recent power outages and what has been corrected, proposals for 2012, and procedures for residents who experience power outages.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the following items discussed at the Sewer Committee meeting held March 8, 2012: an update to the stormwater ordinance; results of the Crestwood/Moorewood Sewer Separation Study; a meeting scheduled for developers and HOA's; the Stormwater Master Plan update; a 5-year plan for stormwater projects; establishment of fees for the Utilities Department; and an amendment to the General Fee Schedule.

The next meeting of the Sewer Committee is scheduled for April 12, 2012 at 6:30 P.M. in the Engineering Conference Room.

Mr. Meiners read a statement regarding the Municipal Utilities foundation drain disconnect program and the inspections related to the program.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee met on March 7, 2012 and discussed the following items: an extension of the moratorium on internet cafes; the job growth incentive program; RFQ's for development of a community investment corporation; implementation of a marketing campaign; and services of a grant writer.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the following item discussed at the February meeting of the Zoning Board of Appeals: approval of a sign variance at The Church of the Open Door.

MOTIONS

Mr. O'Donnell moved to delete the motion from the agenda authorizing the advertisement of bids for boiler upgrades at the Safety Center. Due to the estimated cost, written quotes will be acceptable and advertisement for bids will not be necessary.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to confirm the appointment of Weldon Rice to the Cable Television Advisory Commission for a term expiring December 31, 2014. Mr. Shondel reviewed Mr. Rice's resume and qualifications.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to adopt Paragraph 39 of the revised Avon Lake Community Television Rules & Regulations. The Cable Advisory Commission revised the Community Television Rules and Regulations to add a section addressing video on demand streaming.

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved to approve a Software Service Agreement with TAC Computers, Inc. in the amount of \$11,438.44. This is a contractual agreement between the Police Department and TAC Computers for software used in police cruisers.

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved to authorize a contract with Westlaw for on-line research services in the amount of \$13,240.56. The Law Director requested authority to subscribe to Westlaw, an online research program. This would replace the subscription for printed materials. The online research system is more up-to-date than the printed publications. The subscription will permit up to six users; 3 attorneys, and 3 non-attorneys.

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

No: None

Absent: Kos

Motion carried.

Mr. James moved to appoint Dan Bucci, Marty O'Donnell, and Jennifer Fenderbosch to the Charter Review Ad Hoc Committee for the purpose of considering certain amendments to the Avon Lake Charter. The Charter Review Committee will consider a Charter amendment to allow the Board of Municipal Utilities to adjourn to Executive Session, and also an amendment to modify run-off elections.

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

No: None

Absent: Kos

Motion carried.

LEGISLATION

Third 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.

Mr. Bucci moved for passage of Temporary Legislation #9934. 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.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 28-2012 adopted.

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.

Mr. Bucci moved for passage of Temporary Legislation #9935.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 29-2012 adopted.

Temporary legislation #9936, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EQUIPMENT OPERATOR IN THE SERVICE

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DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 106-91, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9936.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 30-2012 adopted.

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.

Mr. Bucci moved for passage of Temporary Legislation #9937.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 31-2012 adopted.

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.

Mr. Bucci moved for passage of Temporary Legislation #9938.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 32-2012 adopted.

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.

Mr. Bucci moved for passage of Temporary Legislation #9939.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 33-2012 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.

Mr. Bucci moved for passage of Temporary Legislation #9947R. 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.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 34-2012 adopted.

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

Mr. Shondel moved for passage of Temporary Legislation #9948. 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 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.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 35-2012 adopted.

Second Reading:

Temporary Legislation #9931R, AN ORDINANCE AMENDING RESOLUTION 138-2011 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR

ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance establishes the budget for the year 2012. The budget must be submitted to the County Auditor by March 31, 2012.

First Readings:

Temporary Legislation #9955, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR TECHNICAL RESCUE RESPONSE WITH LORAIN COUNTY, AND DECLARING AN EMERGENCY, was read by title only.

The contract covers the period of April 10, 2012 to December 31, 2016. By this agreement, the Avon Lake Fire Department will remain part of a specialized team from surrounding communities for technical rescue response. The team is made up of HazMat and Urban Search and Rescue (USAR) personnel with capabilities which include hazardous materials response, trench and confined space, rope/high angle, wide area search, and structural collapse rescue. The amount of the contract is determined by the population of the community.

Temporary Legislation #9956, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01(f) (14), ENTITLED POOL FEES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9956.

The Parks & Recreation Commission approved and recommended changes to the pool fees and pricing structure as follows:

- Tiered pricing for the sale of family pool passes.
- Limits on a family pool pass to be no more than two adults and three children living at the same residence, or one adult and four children living at the same residence.
- A fee of \$15.00 for each additional child and \$30.00 for each additional adult living in the same residence added to a family pool pass.
- Tiered pricing for the sale of individual pool passes.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 36-2012 adopted.

Temporary Legislation #9957, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF POLICE OFFICER IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 160-88, was read by title only.

This and the following three job descriptions were recommended by the Human Resources Director and the Police Chief to bring them up to date and properly reflect the duties of the positions. The job descriptions were reviewed by the bargaining unit.

Temporary Legislation #9958, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CHIEF IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 45-87, was read by title only.

Temporary Legislation #9959, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LIEUTENANT IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 46-87, was read by title only.

Temporary Legislation #9960, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SERGEANT IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 47-87, was read by title only.

Temporary Legislation #9961, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE CLERK IN THE FINANCE DEPARTMENT ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 161-85, AMENDED BY ORDINANCE NO. 36-86, was read by title only.

This job description was recommended by the Human Resources Director and the Finance Director to bring it up to date and properly reflect the duties of the position.

Temporary Legislation #9962, AN ORDINANCE APPROVING A WAGE INCREASE FOR GLEN EISENHARDT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

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Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9962. On December 19, 2011, Council passed an ordinance approving 2.75% wage increases for non-bargaining unit employees, which included the former Fire Chief. The current Fire Chief's position became effective on December 19th; he was not included in the ordinance granting the salary increases. The Human Resources Committee voted to recommend to Council that Glen Eisenhardt, Fire Chief, be granted a 2.75% salary increase effective December 19, 2011.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 37-2012 adopted.

Temporary Legislation #9963, AN ORDINANCE AMENDING ORDINANCE NO. 25-2012, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9963. The Law Director requested that this ordinance be amended to grant authority to the Assistant Law Director to act as legal counsel on behalf of the City in the cases cited in the ordinance in the event that the Law Director is not available; the rate of compensation is \$100.00 per hour, which is the same as the Law Director's rate.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 38-2012 adopted.

Temporary Legislation #9964, AN ORDINANCE AUTHORIZING THE LAW DIRECTOR AND ASSISTANT 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: Shondel, Bucci, Fenderbosch, James, Meiners, O'Donnell

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No: None
Absent: Kos
Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9964. The Law Director requested authority to appear as legal counsel on behalf of the City of Avon Lake in a foreclosure case for an amount not to exceed \$1000.00.

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

Ordinance No. 39-2012 adopted.

Temporary Legislation #9965, AN ORDINANCE AWARDED A CONTRACT FOR ENERGY EFFICIENT LIGHTING UPGRADES AT CITY BUILDINGS AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #9965. Four bids were received for installation of energy efficient lighting upgrades at the Safety Center, Service Department, Old Firehouse Community Center, Fire Department, City Hall, and Lake House. R. J. Rotz Electric, Inc. of Avon Lake submitted the low bid of \$103,971.45; the highest bid was \$127,160.00. This project is funded through a NOPEC grant specifically geared toward energy efficient improvements.

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

Ordinance No. 40-2012 adopted.

Temporary Legislation #9966, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH BRAMHALL ENGINEERING, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Shondel, Bucci, Fenderbosch, James, Meiners, O'Donnell
No: None

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Absent: Kos
Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9966. Bramhall Engineering submitted a request for additional funds related to the shoreline erosion control projects at Veterans Memorial Park, Miller Road Park, the Jaycox sewer outfall, and North Point. The change order will cover costs for a broadened scope of work as required by ODNR, the Ohio EPA, and the Army Corps of Engineers to further define the as-built parameters of projects already completed. The amount of the change order is not to exceed \$36,000.

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

Ordinance No. 41-2012 adopted.

Temporary Legislation #9967, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PART-TIME DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Bucci moved for passage of Temporary Legislation #9967. This authorizes the employment of Jennel Dorsey as a part-time Police Dispatcher/Records Clerk at a wage rate of \$17.42 per hour. The Police Chief requested authority to hire two part-time dispatchers to be added to the pool of dispatchers who can be called upon when needed. This would not result in an increase in hours or payroll.

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

Ordinance No. 42-2012 adopted.

Temporary Legislation #9968, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PART-TIME DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9968. This authorizes the employment of Rachel Slavin as a part-time Police Dispatcher/Records Clerk at a wage rate of \$17.42 per hour. The Police Chief requested authority to hire two part-time dispatchers to be added to the pool of dispatchers who can be called upon when needed. This would not result in an increase in hours or payroll.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 43-2012 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Avon Lake Community Council is sponsoring a food drive entitled "March for Hunger". Collection boxes are placed in various locations in Avon Lake.

March 16th is the deadline for submitting nominations for Project of the Year and Citizen of the Year.

The Ward III residents meeting is scheduled for March 14th at 7:00 P.M. at Troy School.

Shoes are being collected for the "Walk a Mile in Her Shoes" fundraiser. A donation box is located at City Hall.

PUBLIC INPUT

Danielle Patton, 398 Cottonwood Court, asked for support via on-line voting to help her win a scholarship to the University of Dayton.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Absent: Kos

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Motion carried.

Adjournment: 9:04 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council