

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD MARCH 26, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on March 26, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Rob James, Larry Meiners, Martin O'Donnell, John Shondel, 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 March 7, 2012 Special Council Meeting and the March 12, 2012 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka thanked the department heads, Council members, Larry Meiners, Chair of the Finance Committee, and the Finance Director for their help and cooperation in developing the 2012 budget. The City will continue to work to develop a financial plan to deal with the challenges in the years ahead.

Mayor Zilka acknowledged the efforts of Chief Owad, Chief Eisenhardt, Service Director Lescher, and Engineering Department Manager Reitz for their participation in the four ward meetings. Over 300 residents attended the sessions and over 100 questions were asked by audience members.

On March 25, 2012 the second annual "Child Safety Community Fair" was held at the Avon Lake High School. The event was co-sponsored by the Avon Lake Rotary Club and Jeff Ellis's International Karate Center.

**COUNCIL PRESIDENT'S REPORT**

Council President O'Donnell made the following announcements.

The next Collective Committee meeting is scheduled for April 2<sup>nd</sup>. A rescheduled Council meeting will follow the Collective Committee meeting. No meeting is scheduled for April 9<sup>th</sup>, Easter Monday.

Council Members were reminded to file their Financial Disclosure Statements with the Ohio Ethics Commission by the April 16<sup>th</sup> deadline.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

The family slide rubberized pad at the municipal pool has disintegrated. The pad is still under warranty and the Engineering Department is in discussion with the manufacturer and pool contractor to resolve the situation.

Mr. O'Donnell asked Mr. Reitz to give Council an update on the Bridgeside detention basins.

Mr. O'Donnell asked Mr. Reitz to follow up on residents' concerns with stormwater flooding in the area of the Canterbury Road connection at Belmar. Mr. Reitz stated that the contractors are aware that they have to finish the grading and landscaping. The schools are aware of the drainage problems along the north side of Canterbury and the backyards of Belmar. The barriers at the Troy School driveway will be removed after spring break. The barriers were erected by the school while the lane markings were being completed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mr. James made the following announcements.

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. Proposed legislation prohibiting the feeding of deer will be discussed.

The Environmental Affairs Advisory Board is scheduled to meet April 4, 2012 at 6:30 P.M. at the Lake House.

The Environmental Issues Series will continue on April 11, 2012 at 7:00 P.M. at the Avon Lake Public Library; John Paul Seman, a wildlife biologist, will speak about effective measures for the control of wildlife.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on proposed millage for the paramedic levy which was discussed at the March 26, 2012 Finance Committee meeting.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the following item discussed at the March 26, 2012 Human Resources Committee meeting: hiring of a pool/maintenance manager.

## **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported on the town hall meeting held March 22<sup>nd</sup> regarding power outages in Avon Lake. Representatives from First Energy were in attendance to offer information and answer questions. Information is on the Avon Lake website. Residents should report any outages to First Energy and their Council representative.

## **SEWER COMMITTEE REPORT**

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

## **PLANNING COMMISSION REPORT**

Planning Commission is scheduled to meet April 3, 2012 at 7:30 P.M. in the Council Chamber.

## **TESTIMONY BEFORE THE UNITED STATES CONGRESS**

Mr. James reported on his testimony given March 20, 2012 before the U.S. Senate Subcommittee on Clean Air and Nuclear Safety regarding the proposed 2015 closing of the GenOn plant in Avon Lake. Mr. James discussed the financial impact the closing would have on the City of Avon Lake and the grave effect it would have on the Avon Lake School District. The closing would cause the City to lose \$345,000 in tax revenue each year; the school district will lose \$3.9 million in revenue each year.

Mayor Zilka stated that the City is aware of health concerns and continues to monitor the environment. He further stated that the City is responsible for the health, safety, and welfare of the community, and is also responsible for the fiscal stability of the City.

## **AUDIENCE PARTICIPATION**

Todd Danielson, Chief Utilities Executive, asked Council for support of Temporary Legislation #9972, referring a Charter amendment to the electorate which would allow the Board of Municipal Utilities to adjourn to Executive Session to discuss the approved topics according to Ohio Revised Code Section 121.22.

Mary Schneider, 143 Avon Belden Road, expressed her concerns regarding the paramedic levy and appropriations for paramedic labor costs.

## **MOTIONS**

Mr. Bucci moved to authorize the advertisement of Requests for Proposals for services related to the creation of a Community Investment Corporation (CIC), grant

writing, and marketing. The CIC, grant writing, and marketing comprise three of the five economic development initiatives developed by the Economic Development Committee.

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

No: None

Motion carried.

Mr. Meiners moved to authorize the Mayor to execute a contract for an Independence Day celebration fireworks display. The contract will be awarded to American Fireworks in the amount of \$14,000, which is \$500 less than the next lowest quote; three quotes were received. The celebration will take place on July 3<sup>rd</sup> at Weiss Field.

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

No: None

Motion carried.

## **LEGISLATION**

### Third 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.

Mr. Meiners moved for passage of Temporary Legislation #9931R. This ordinance establishes the budget for the year 2012. The budget must be submitted to the County Auditor by March 31, 2012.

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

No: None

Motion carried.

**Ordinance No. 44-2012 adopted.**

### Second 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.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #9955. 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.

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

No: None

Motion carried.

**Ordinance No. 45-2012 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.

First Readings:

Temporary Legislation #9969, A RESOLUTION PURSUANT TO SECTION 5705.19 (I) OF THE OHIO REVISED CODE SUBMITTING THE QUESTION TO THE ELECTORATE OF A 1.25 MILL REPLACEMENT LEVY, WITH A .75 INCREASE TO EQUAL A 2.0 MILL LEVY FOR THE PURPOSE OF PROVIDING AMBULANCE AND EMS SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

The Finance Committee recommended placing a 2.0 mill levy on the August 7<sup>th</sup> special election ballot. The current levy expires December 31, 2012. The levy is based on property values, which have decreased. Therefore, the amount of funds collected at the current rate is less than the amount that was collected three years ago at the rate of 1.25. According to the present property values the present millage will no longer cover the cost of the number of 911 calls coming into the Fire Department. The paramedic levy covers the cost of eight paramedics and equipment.

Mayor Zilka stated that 78% of the calls that come into the Fire Department are for paramedic services. The City has been subsidizing the paramedic fund through the general fund.

Temporary Legislation #9970R, AN ORDINANCE REPEALING ORDINANCE NO. 45-92, AND ALL SUBSEQUENT ORDINANCES RELATED TO FEES FOR GARBAGE AND RUBBISH COLLECTION SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

In 1992 City Council passed an ordinance granting a subsidy to property owners for garbage and rubbish collection services. Due to budget constraints and drastic cuts in State funding through the Local Government Fund and inheritance taxes, the City of Avon Lake can no longer afford to subsidize the trash collection fees. The City of Avon Lake pays approximately \$700,000 per year for subsidizing trash collection services. If the subsidy is not eliminated, there will be layoffs and dramatic cuts in City services.

Temporary Legislation #9971, AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF ALL INTERNET GAMING SWEEPSTAKES CAFES IN THE CITY OF AVON LAKE, OHIO, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9971. Council has been waiting for guidance from the State of Ohio to implement regulations on internet cafes. To date, the State has not reached any decision on the regulations of such establishments. This will be the final six month moratorium while City Council and the Law Department work to develop regulations for the City of Avon Lake.

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

No: None

Motion carried.

**Ordinance No. 46-2012 adopted.**

Temporary Legislation #9972, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER IX SECTION 49 OF THE MUNICIPAL CHARTER TO ALLOW THE BOARD OF MUNICIPAL UTILITIES TO MEET IN EXECUTIVE SESSION, AND DECLARING AN EMERGENCY, was read by title only.

Under the Charter the Board of Municipal Utilities does not have authority to adjourn to Executive Session. The Board requested the amendment to permit them to adjourn to Executive Session to discuss the permitted topics outlined in Ohio Revised Code Section 121.22. According to the Charter, Council is permitted the privilege of meeting in Executive Session and the Board of Utilities is asking for the same privilege.

Temporary Legislation #9973, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER XII SECTION 62 OF THE MUNICIPAL CHARTER TO MODIFY THE PROCEDURE FOR CONDUCTING ELECTIONS, AND DECLARING AN EMERGENCY, was read by title only.

The Charter Review Ad Hoc Committee recommended this amendment. Currently, Section 62 requires the winning candidate to receive 50% of the votes plus one. In the event there are three or more candidates running for the position of Mayor or Ward Council, the amendment would require a non-partisan primary to be held prior to the November election. After the primary, the two candidates receiving the most votes would advance to the November election. This does not affect the Council at Large positions since according to the Charter the three candidates who receive the most votes win the seats. The purpose of the amendment is to avoid another run-off election which was difficult for the candidates because they had to extend their campaigns and it was confusing for the residents. The runoff election also did not allow for a smooth transition of the new term and delayed reorganization. There was

a substantial financial impact on the City since the City was responsible for paying for the special election.

Temporary Legislation #9974, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL PROFESSIONAL AGREEMENT WITH ONELINK TECHNICAL SERVICES LLC FOR INFORMATION TECHNOLOGY MANAGED SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9974. The amount of the agreement is \$49,040.00, which includes a \$2000 one-time set up fee. This includes 420 hours of on-site service per year. DataCore, the current IT service provider, submitted a quote of \$38,392.00 which included 96 hours of on-site service per year with \$119.00 per hour for each additional hour. DataCore's charges for on-site services do not make their proposal cost effective. The OneLink proposal includes management of switch routers, the phone system, and Smart Phones.

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

No: None

Motion carried.

**Ordinance No. 47-2012 adopted.**

Temporary Legislation #9975, AN ORDINANCE PROVIDING FOR TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9975. The Finance Director determined that certain transfers of funds are necessary for the current expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 48-2012 adopted.**

Temporary Legislation #9976, AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE OF TERRORISM INSURANCE FOR THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9976. The Finance Committee recommended the purchase of terrorism insurance since the City operates a utility. The cost of coverage for terrorism insurance is \$1,329.00 to be prorated. The general liability limit is \$3 million; each occurrence limit is \$1 million; the umbrella is \$5 million; and the property coverage is \$55,346,760.00.

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

No: None

Motion carried.

**Ordinance No. 49-2012.**

Temporary Legislation #9977, AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE OF FIREWORKS INSURANCE COVERAGE FOR THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9977. The Finance Committee recommended the purchase of fireworks insurance coverage. The cost of the coverage is \$600.00; the general liability is \$2 million; personal injury is \$1 million; each occurrence limit is \$1 million; damage due to premises rental is \$100,000.00; medical coverage per person is \$5000.00.

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

No: None

Motion carried.

**Ordinance No. 50-2012 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mayor Zilka read a statement regarding inspections performed by the Avon Lake Municipal Utilities with regard to the installation of sump pump connections.

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Mrs. Fenderbosch will appear in a play on April 13, 2012 at Elyria High School; the play is a fundraiser for the Rape Crisis Center.

**PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake, asked for clarification regarding the potential closing of the GenOn plant.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:20 P.M.

Approved: \_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Clerk of Council