

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MAY 28, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on May 28, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Martin O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Engineering Department Manager Joseph Reitz, Finance Director Nancy Bryan, and Clerk of Council Barbara Dopp.

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

APPROVAL OF MINUTES

The minutes of the May 13, 2013 Regular Council Meeting and the May 20, 2013 Special Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

The City of Avon Lake received the award of Tree City USA for the 20th year in a row.

The 12 interested townships in Lorain County met to finalize an agreement to establish a consortium for trash collection. The intent is to bid out the trash collection contract as one entity to establish a stronger bargaining position. Bids will be solicited during the summer and evaluated in August. The trash contract with Republic Services expires December 31, 2013.

PolyOne has entered into an agreement to sell its vinyl dispersion blending and suspension resin assets to Mexichem SAB of Mexico City. Mexichem will take over the operations at the Avon Lake facility as it works to strengthen its resin operations in the United States. PolyOne will continue to operate its business operations at the current Avon Lake site.

On June 11th, a community drug forum will be held at the Avon Lake Public Library at 6:30 P.M. The purpose of the forum is to educate the public to better understand the challenges of drug addiction and the widespread use of heroin. Eight experts will be part of the presentation, as well as representatives who operate support groups.

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The Avon Lake pool will open on May 30th at 4:00 P.M.

The Wounded Warrior 5K/1 mile fundraiser raised approximately \$3000. The event was sponsored by the Avon Lake High School Key Club.

COUNCIL PRESIDENT'S REPORT

A Work Session is scheduled for June 3rd for a presentation by the Charter Review Commission regarding the proposed Charter amendments. The Work Session will be followed by a Collective Committee meeting. The next regular Council Meeting is scheduled for June 10th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

The City was awarded a grant from the Ohio Public Works Commission in the amount of \$359,110 for the Jaycox/Walker Road intersection project. Left turn lanes will be extended in all directions, as well as installation of new traffic signals with emergency back-up generation, and new crosswalks.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet June 3rd at 6:15 P.M. in the Council Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee met on May 28th and discussed the following items: department consolidation, non-resident City employee pool use, the 2013 concrete street program bid award, the Pin Oak Parkway culvert repair bid award, a construction and inspection personal services agreement, the 2013 sand dredging contract change order, City fuel management system, purchase of a roller for the Service Department, purchase of an HVAC control unit for the Safety Center, appropriations of remaining levy funds for Blesser Park, tree clearing in the City, solicitation of bids for the salt storage building, solicitation for repairs to Safety Center windows, and authorization for a recycling grant.

The next meeting of the Public Service Committee is scheduled for June 24, 2013 at 6:00 P.M. in the Engineering Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

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Mr. Shondel reported that issues with a resident's gas line replacement have been resolved by Ray Frank of Columbia Gas.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the May 23, 2013 Safety Committee meeting: the Titus Hill/Colonies safety study, Belmar traffic during the sewer separation project, police vehicle replacement, and human trafficking.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported that Avon Lake Municipal Utilities will save a substantial amount of money by refunding bonds due to the efforts of Finance Director Bryan.

The Sewer Committee is scheduled to meet June 13, 2013 at 6:30 P.M. in the Engineering Conference Room. An update on LORCO will be presented by John Kniepper and Rebecca Haines, as well as updates on water main breaks and the Belmar sewer separation project.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee is scheduled to meet June 5, 2013 at 7:00 P.M. in the Council Conference Room.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the result of the Special Planning Commission meeting held May 28, 2013. A lot split for PolyOne was approved.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the May 22, 2013 Zoning Board of Appeals meeting.

PARKS & RECREATION COMMISSION

Mr. James reported on the following item discussed at the May 22, 2013 Parks & Recreation Commission: installation of a restroom at Belle Road Park.

AVON LAKE HISTORICAL PRESERVATION COMMISSION

The Historical Preservation Commission meeting scheduled for May 29th has been cancelled.

CABLE ADVISORY COMMISSION

Mr. Shondel reported that the Avon Lake Municipal Utilities is working to arrange the airing of their meetings. In an effort to better utilize ALCTV and improve communication with constituents, it was suggested that the Mayor have a regular show, public service announcements be made by Council members, and Council Committee Chairs broadcast committee reports on a rotating basis.

MOTIONS

Mr. James moved to authorize the purchase of playground mulch. Ready to Haul submitted the lowest and best quote.

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

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved to accept the resignation of Tami Reynolds, Building Department Secretary, effective May 29, 2013. Mrs. Reynolds accepted a position in another community.

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

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved to authorize a \$200 donation to the Avon Lake High School business class. The business class volunteered at the April business expo held at Hinckley Lighting.

LEGISLATION

Second Readings:

Temporary Legislation #10149, AN ORDINANCE FIXING COMPENSATION RANGES FOR THE MANAGEMENT POSITIONS AT AVON LAKE MUNICIPAL UTILITIES, was read by title only.

The Board of Municipal Utilities approved wage ranges for six management positions in the Municipal Utilities. The wage ranges will be fixed for three years, after which time they will be reevaluated. The wage scales will allow the Chief Utilities Executive to grant wage increases based on merit.

Temporary Legislation #10150, AN ORDINANCE AWARDED A CONTRACT FOR THE EMERGENCY GENERATOR PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. James moved for passage of Temporary Legislation #10150. Seven bids were received for the project. The Engineering Department recommends accepting the bid from Zenith Systems, LLC. The base bid for City Hall generators is \$56,476; Alternate #1 is \$42,800 for the Service Department Office/Garage; and Alternate #2 is \$11,980 for the Service Department Storage Garage. The total amount of the contract is \$111,256. The generators are being purchased to maintain City services during a power outage.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 58-2013 adopted.

Temporary Legislation #10151, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (f) (14), ENTITLED POOL FEES, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. James moved for passage of Temporary Legislation #10151. The Parks & Recreation Commission recommended amending the municipal pool rules to allow non-resident City of Avon Lake employees and their immediate families to use the municipal pool at the same fees charged to non-residents. This ordinance amends the General Fee Schedule to establish the pool fees for non-resident City of Avon Lake employees and their immediate families.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 59-2013 adopted.

Temporary Legislation #10152, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1078, ENTITLED SWIMMING POOL, 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: Kos, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Absent: Meiners

Motion carried.

Mr. James moved to amend Temporary Legislation #10152 by changing the definition of "non-resident employee" to include part-time and seasonal employees in addition to full-time employees. The inclusion of part-time and seasonal employees was the intention of the Parks & Recreation Commission.

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

No: None

Absent: Meiners

Motion carried.

Mr. James moved for passage of Temporary Legislation #10152. This ordinance amends the rules for the swimming pool by establishing that non-resident employees of the City of Avon Lake and their immediate families are permitted to use the municipal pool.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 60-2013 adopted.

Temporary Legislation #10153, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.07, ENTITLED UNIFORM ALLOWANCES, was read by title only.

There is outdated information in the Codified Ordinances regarding uniform allowances. The proposed amendments will correct any inconsistencies with union contracts and uniform allowance amounts for the Fire Chief and Police Chief.

Temporary Legislation #10155, AN ORDINANCE AUTHORIZING A PAYMENT TO THE AVON LAKE YOUTH BASEBALL FEDERATION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

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Mr. James moved for passage of Temporary Legislation #10155. The Parks & Recreation Commission recommended a \$20,637 donation to the Baseball Federation. This is the same as last year's donation.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 61-2013 adopted.

Temporary Legislation #10156, AN ORDINANCE AMENDING CHAPTERS 256, 258, 260, AND 278 OF THE AVON LAKE CODIFIED ORDINANCES PERTAINING TO THE CIVIL SERVICE RULES, was read by title only.

The Civil Service Commission revised the rules of the Commission. The proposed Codified Ordinance amendments will make the Code consistent with the revised rules which were previously adopted by Council.

First Readings:

Temporary Legislation #10158, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$ 1,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS IN THE CITY BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTION OF STORM SEWERS AND RELATED DRAINAGE FACILITIES, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10158. This project is being constructed in conjunction with the Belmar Sewer Separation Project and is mandated by the EPA. The Municipal Utilities will finance its portion of the project through an OWDA loan.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 62-2013 adopted.

Temporary Legislation #10159, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$225,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING MOTOR VEHICLES AND RELATED EQUIPMENT AND APPARATUS FOR USE BY THE CITY'S POLICE AND SERVICE DEPARTMENTS AND OTHER CITY FUNCTIONS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10159. Notes in the amount of \$225,000 will be sold for the purchase of vehicles. The cost of the loader for the Service Department is \$150,000; the cost of the police vehicle is \$25,000; and the cost of the transportation van for the Dial-a-Bus service is \$50,000.

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

Ordinance No. 63-2013 adopted.

Temporary Legislation #10160, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$150,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, EQUIPPING, AND OTHERWISE IMPROVING A NEW SALT STORAGE FACILITY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10160. Notes in the amount of \$150,000 will be sold for a new salt storage barn at the Service Department. The current salt barn holds approximately 1000 tons of salt; the new barn will hold approximately 5000 tons of salt.

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

No: None
Absent: Meiners
Motion carried.

Ordinance No. 64-2013 adopted.

Temporary Legislation #10161, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$75,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF RENOVATING, REMODELING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING CITY HALL TO PROVIDE FOR ENHANCED BUILDING SECURITY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10161. Notes will be sold in the amount of \$75,000 for security enhancements at City Hall. The Safety Committee, Police Chief Owad, and Fire Chief Huerner have discussed improved security measures for City Hall.

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

Ordinance no. 65-2013 adopted.

Temporary Legislation #10162, AN ORDINANCE PROVIDING FOR COUNCIL TO AUTHORIZE THE DRAWING OF WARRANTS FOR THE PAYMENT OF AMOUNTS DUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10162. Council previously authorized a \$3,013.50 change order to the contract with State Auditor for additional work performed on the 2011 audit. This ordinance will authorize payment of the change order.

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

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No: None
Absent: Meiners
Motion carried.

Ordinance No. 66-2013 adopted.

Temporary Legislation #10163, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH THE STATE AUDITOR'S OFFICE TO AUDIT THE BASIC FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2012, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10163. The Auditor's fee for preparing the 2012 audit of the City is \$34,850.

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

Ordinance No. 67-2013 adopted.

Temporary Legislation #10164, AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AN AUTHORIZATION LETTER TO PERMIT THE REGIONAL INCOME TAX AGENCY (RITA) TO PROVIDE A SUBPOENA PROGRAM FOR THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Shondel moved for passage of Temporary Legislation #10164. RITA will conduct the subpoena program to collect delinquent City income taxes.

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

Ordinance No. 68-2013 adopted.

Temporary Legislation #10165, AN ORDINANCE PROVIDING FOR TRANSFERS, ADJUSTMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10165. The Finance Director determined that certain financial adjustments and transfers are needed for the necessary expenses of the City.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 69-20123 adopted.

Temporary Legislation #10166, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY POINTE PHASE 7, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10166. At the May 7, 2013 meeting, Planning Commission approved and recommended the improvement plans for Legacy Pointe Phase 7. This phase will construct 17 new sublots. The contractor requested emergency passage to allow for the pavement to be installed during the summer construction season so the project can move forward.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 70-2013 adopted.

Temporary Legislation #10167, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF DAVID GUNSALUS AS ELECTRICAL SAFETY INSPECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Bucci moved for passage of Temporary Legislation #10167. Mr. Gunsalus will fill a vacancy in the Building Department.

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

Ordinance No. 71-2013 adopted.

Temporary Legislation #10168, AN ORDINANCE AWARDED A CONTRACT FOR THE 2013 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. James moved for passage of Temporary Legislation #10168. Denes Concrete submitted the lowest and best bid for the 2013 concrete street repair program. The contract amount is \$848,485.

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

Ordinance No. 72-1023 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos participated in the Junior Achievement program with first and fourth grade classes at Redwood School.

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Avon Lake cable channels 12 and 21 will air the Civil War presentation by Mr. Kos and Tim Krugman at Learwood Middle School.

Mr. O'Donnell received the Cleveland State University elected official of the year award through the Leadership Academy.

The Garden Club's plant sale will continue on June 1st from 9:00 A.M. to 5:00 P.M. and on June 2nd from 1:00 P.M. to 5:00 P.M.

The Recreation Department and local fishermen will sponsor "Hooks for Hunger", a fishing tournament and food drive, on July 6th at Miller Road Park to benefit Community Resource Services.

ADJOURNMENT

Mr. James moved for adjournment.

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

Absent: Meiners

No: None

Motion carried.

Adjournment: 8:33 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council