

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD NOVEMBER 12, 2013**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on November 12, 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 Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, John Shondel; Law Director Abe Lieberman; Engineering Department Manager Joseph Reitz; Finance Director Nancy Bryan; and Clerk of Council Barbara Dopp.

Absent: Dan Bucci, Mayor Zilka

There being no objections, Mr. Bucci and Mayor Zilka were excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the October 28, 2013 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Council President O'Donnell read the following announcements from the Mayor.

Avon Lake will participate in "Small Business Saturday" which will be observed on the Saturday following Thanksgiving. This is an effort to encourage residents to shop locally and support small businesses.

Peter & Co. Jewelers submitted Camp Imagine in a contest sponsored by Jewelers Across America. Camp Imagine was awarded a \$10,000 grant.

A budget meeting is scheduled for November 23, 2013 at 8:00 A.M. in the Engineering Conference Room.

Several businesses on Pin Oak Parkway have organized "Food Fight", a food drive competition for all businesses and organizations in Avon Lake and Avon to aid Second Harvest which serves Lorain County and surrounding counties. Donations can be dropped off at City Hall or the Safety Center. Cash donations will also be accepted.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is scheduled for November 18th. The next regular Council meeting is scheduled for November 25th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

Branch pick-up has been suspended in order for the Service Department to begin leaf pick-up. It is prohibited to deposit leaves in the street for pick-up. Residents must deposit leaves on the tree lawns. Letters will be sent to residents who do not comply. The leaf pick-up schedule will be posted on the City website.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet November 13, 2013 at 7:00 P.M.

Mr. Shondel reported that from January through October of 2013, 97 deer carcasses were picked up by the Service Department, 18 of which were the result of deer/vehicle collisions. For the same period in 2011, 55 deer carcasses were collected, 22 of which were car accident related; in 2012, 49 carcasses were collected, 13 of which were car accident related.

November 15th is declared as "America Recycles Day". Residents are urged to sign a pledge card at www.americarecyclesday.org to pledge to recycle.

FINANCE COMMITTEE REPORT

Mr. Meiners reported on the following items discussed at the November 4, 2013 Finance Committee meeting: the September financial statement and litigation fees. The Finance Committee will meet November 18, 2013 at 6:00 P.M.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee discussed the following items at the November 12, 2013 Public Service Committee meeting: departmental consolidation; a new dial-a-bus policy; Walker Road improvements; a survey of historical properties; contractor licensing; infringements on Lake Road right-of-way; and an update on the new trash contract.

The Public Service Committee is scheduled to meet November 25, 2013 at 6:00 P.M. in the Engineering Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported on the November 7, 2013 Public Service Committee meeting at which a representative of NOPEC gave a presentation regarding the opt-out program for aggregation of natural gas.

First Energy plans to replace 5000 feet of underground cable in the Westwinds subdivision. Residents will be informed of short power outages when they switch to the new cable.

Time Warner cable is providing free telephone service to the Philippines until November 30th which is retroactive to all calls placed since November 8th to help those affected by typhoon Haiyan.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the November 6, 2013 Safety Committee meeting: the purchase of new police vehicles; the ladder truck refurbishment; the Fire Department vehicle replacement schedule; and the Lorain County 911 update.

Lt. Streator recommended purchasing a Chevy Tahoe from Byers Chevrolet in the amount of \$24,416, and two 2014 Ford Utility Interceptors from Statewide Ford in the amount of \$27,280 each.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee is scheduled for November 20, 2013 at 6:30 P.M.

HISTORICAL PRESERVATION COMMISSION REPORT

Mr. Kos reported there will be at least two vacancies on the Commission beginning January 1, 2014. Interested residents should contact Mr. Kos.

MOTIONS

Mr. James moved to add a motion to the agenda to appoint a member to the West End Redevelopment Commission. This appointment will fill the last vacancy on the Commission to give a full complement of nine members.

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

No: None

Absent: Bucci

Motion carried.

Mr. James moved to appoint Grant Raymond to the West End Redevelopment Commission. Mr. Raymond will serve as a resident member of the Commission. Mr. James reviewed Mr. Raymond's resume and qualifications.

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

No: None

Absent: Bucci

Motion carried.

LEGISLATION

Second Readings:

Temporary Legislation #10225, AN ORDINANCE ESTABLISHING THE POSITION OF SERVICE/ENGINEERING DIRECTOR FOR THE CITY OF AVON LAKE AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10225. This new position was created due to the consolidation of the Service and Engineering Departments.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 141-2013 adopted.

Temporary Legislation #10226R, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JOSEPH REITZ TO THE POSITION OF SERVICE/ENGINEERING DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10226R. Mr. Reitz has been serving as the interim director of the departments for several months. The annual salary for the position is \$108,500. Since the duties Mr. Reitz will be undertaking were formerly performed by two individuals, there will be a savings to the City of approximately \$66,000 per year. The department consolidation occurred when the former Service Department Director retired. Further department consolidation is being considered to create more efficiency and cost savings. It is not the intention of the administration to reduce the current staff.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 142-2013 adopted.

First Readings:

Temporary Legislation #10235, AN ORDINANCE ESTABLISHING THE POSITION OF INTERIM ASSISTANT POLICE CHIEF AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This position was created to allow for a smooth transition with the upcoming retirement of the Police Chief.

Temporary Legislation #10236, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF DUANE STREATOR AS INTERIM ASSISTANT POLICE CHIEF ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Lt. Streator passed the Civil Service exams and assessments and will be the new Police Chief upon the upcoming retirement of Chief Owad. This interim position will allow Lt. Streator to become familiar with his new duties.

Temporary Legislation #10237, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JACK REDILLA, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10237. The Assistant Law Director requested additional funds for continued defense of the City in the case

of Redilla v. Avon Lake involving a decision by the Zoning Board of Appeals. The Finance Committee voted to approve the amount of \$4000 for litigation fees.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 143-2013 adopted.

Temporary Legislation #10238, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1262.04, ENTITLED MAXIMUM SIGN AREA PERMITTED, was read by title only.

The Zoning Administrator recommended amendments to the sign ordinance to allow businesses to erect a second sign. One additional ground sign will be permitted per zoning lot if the lot qualifies under certain criteria as defined in the ordinance. This item was recommended by Planning Commission at their November meeting.

Temporary Legislation #10239, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1416, ENTITLED 2004 RESIDENTIAL CODE OF OHIO, AND DECLARING AN EMERGENCY, was read by title only.

The Avon Lake Building Code is modeled after the State Code. Currently by Codified Ordinance, Avon Lake is using the 2004 State Residential Code. The Building Official recommended adoption of the 2013 Residential Code of the State of Ohio to bring the Avon Lake building code in line with the State which is required for certification of the Building Department.

Temporary Legislation #10240, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1438.07, ENTITLED REGISTRATION FEES AND SECTION 1438.09, ENTITLED CERTIFICATE OF INSURANCE AND BOND, AND DECLARING AN EMERGENCY, was read by title only.

Currently the Building Department has a separate category for contractor and sub-contractor in its registration fees. The fees are \$75 and \$50 respectively. The Building Official recommended eliminating the sub-contractor category and establishing a \$100 fee for all contractors. This is necessary to streamline the process and avoid confusion when working with contractors and sub-contractors. The Building Official recommended increasing the contractors bond from \$5,000 to at least \$10,000. By a vote of 4-0 the Public Service Committee recommended increasing the bond to \$15,000 to bring it in line with most surrounding communities.

Temporary Legislation #10241, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208 (b) ENTITLED GENERAL FEE SCHEDULE.

The Building Official recommended the following amendments to the Building Department Fee Schedule. The contractor registration fee for all contractors will be

raised to \$100. The Plan Review fee will be \$100 and plan review re-submittals will be \$100 for each re-submittal for each category.

Temporary Legislation #10242, AN ORDINANCE AUTHORIZING THE NAMING OF BLESER PARK.

The park known as Bleser Park was never officially declared as such by City Council. There is a field within the park that was dedicated as Bleser Field in honor of Walter Bleser. Over time, the area surrounding the field became known as Bleser Park. The Parks and Recreation Commission determined it would be appropriate to formally name the park Bleser Park and recommended the same to the Public Service Committee. The Public Service Committee considered the recommendation and voted 4-0 to forward the recommendation to Council.

Temporary Legislation #10243, AN ORDINANCE AUTHORIZING THE RENAMING OF BLESER FIELD TO MANNINO FIELD.

The Avon Lake Youth Baseball Federation (ALYBF) requested the Parks & Recreation Commission to name the field known as Bleser Field to Mannino Field. Mike Mannino has been involved with the ALYBF for many years as an officer and as a coach. The Parks & Recreation Commission realized there is no policy in place for re-naming parks or facilities. The current policy only addresses new names. The Commission revised its policy to address the re-naming situation. Since the Parks & Recreation Commission determined it was appropriate to elevate the Bleser name from a field to the entire park, it would be appropriate to re-name the field to Mannino Field. The descendants of Mr. Bleser had no objections to the re-naming of the field since the entire park would formally be named in honor of Mr. Bleser.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos interviewed the new owner of Grilled Café which was aired on ALCTV. The program will be available at avonlake.pegcentral.com.

The Report from Washington Series with Congresswoman Marcy Kaptur and Mr. Kos will be aired on ALCTV from November 13th through November 20th.

Mrs. Fenderbosch stated that Avon Lake was mentioned by Clean Fuels of Ohio as being one of the leaders in alternative fuels by looking for ways to become more efficient. Avon Lake was the only city awarded a zero interest loan at the time the City went through the application process. The reason the propane program is being introduced in Avon Lake is to save on the cost of fuel.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

November 12, 2013 Council Meeting Minutes

No: None
Absent: Bucci
Motion carried.

Adjournment: 8:35 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council