

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 25, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on November 25, 2013 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 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.

Mayor Zilka made the following announcements.

Ron Crocker of Holy Spirit Parish Council sent a letter commending Building Official Tom Carleton for his help and guidance with the church's expansion of its rectory.

The Mayor attended the National League of Cities in Seattle, WA from November 12<sup>th</sup> through November 16<sup>th</sup>. He attended several workshops dealing with economic development and emergency preparedness.

The public forum on the impact of the public utility tax reductions of the power plant scheduled for December 5<sup>th</sup> has been postponed until early January until the final figures are available.

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.

**COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting is scheduled for December 2<sup>nd</sup> and the next regular Council Meeting is scheduled for December 9<sup>th</sup>.

There is a vacancy on Planning Commission. Interested residents who have been registered voters in the City of Avon Lake for the past two years should send a letter of interest and resume to the Clerk of Council at 150 Avon Belden Road or to [bdopp@avonlake.org](mailto:bdopp@avonlake.org).

The Charter Review Commission has completed its term and will present their final proposed Charter amendments at a Work Session on December 16<sup>th</sup> at 7:30 P.M. before the Collective Committee meeting. The proposed amendments will be placed on the May 6, 2014 ballot.

Following the Council meeting, Council-Elect will hold a meeting to elect a Council President and President Pro-Tem and discuss Council committee assignments.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

Leaf pick-up has begun. 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**

A Work Session is scheduled for December 2, 2013 before the Collective Committee meeting regarding natural gas aggregation. The chief counsel for NOPEC will give a presentation.

The Environmental Committee is scheduled to meet December 11, 2013.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners reported the Finance Committee voted to recommend the transfer of funds and appropriations ordinance on tonight's agenda.

### **HUMAN RESOURCES COMMITTEE REPORT**

The Human Resources Committee is scheduled to meet December 2, 2013 at 6:00 P.M. in the Council Conference Room.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported the Public Service Committee discussed the following items at the November 25, 2013 Public Service Committee meeting: a La Crosse field proposal, pool operations, department consolidation, and the solid waste ordinance.

The Public Service Committee will not hold its regularly scheduled December meeting on December 23<sup>rd</sup>.

### **PUBLIC UTILITIES COMMITTEE REPORT**

The Public Utilities Committee is scheduled to meet December 5, 2013 at 7:00 P.M. in the Council Conference Room.

## **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the sewer separation lateral program which was discussed at the November 20, 2013 Sewer Committee meeting.

The next meeting of the Sewer Committee is scheduled for December 12, 2013.

## **PLANNING COMMISSION REPORT**

The next meeting of Planning Commission is scheduled for December 3, 2013 at 7:30 P.M.

## **ZONING BOARD OF APPEALS**

Mayor Zilka reported on the results of the November 20, 2013 Zoning Board of Appeals meeting.

## **WEST END REDEVELOPMENT COMMISSION**

Mr. Bucci reported on the organizational meeting of the West End Redevelopment Commission meeting.

## **PUBLIC INPUT**

Richard Gerrone, 490 Bayhill Drive, Avon Lake, expressed his opposition to the hiring of a public relations firm to develop a communications plan for the probable increase in taxes due to a decrease in the public utilities personal property tax.

Mayor Zilka stated that the dramatic reduction of the public utility tax obligation of the power plant could cause tremendous ramifications to the City and schools. His concern is that when residents receive their January tax bill, they will see a substantial increase due to the school levy and a possible increase due the power plant tax reduction. This is a complicated issue that needs professional guidance to present the information in a clear manner to the residents. This could impact their future voting on future levies to maintain City services.

## **LEGISLATION**

### Second 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.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10235. This position was created to allow for a smooth transition with the upcoming retirement of the Police Chief.

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

No: None

Motion carried

**Ordinance No. 144-2013 adopted.**

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.

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

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

No: None

Motion carried

Mr. Bucci moved for passage of Temporary Legislation #10236. 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.

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

No: None

Motion carried.

**Ordinance No. 145-2013 adopted.**

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.

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

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

No: None

Motion carried

Mr. James moved for passage of Temporary Legislation #10239. 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.

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

No: None

Motion carried.

**Ordinance No. 146-2013 adopted.**

Temporary Legislation #10240R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1438, ENTITLED LICENSING OF CONTRACTORS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10240R. 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. Specialty contractors will also be required to register with the City.

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

No: None

Motion carried.

**Ordinance No. 147-2013 adopted.**

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10241. 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.

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

No: None

Motion carried.

**Ordinance No. 148-2013 adopted.**

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.

First Readings:

Temporary Legislation #10244, AN ORDINANCE AWARDED A CONTRACT FOR THE LEAR ROAD/WALKER ROAD INTERSECTION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

Five bids were received for the project. The lowest and best bid was submitted by Underground Utilities, Inc. in the amount of \$1,596,312.15. Avon Lake Municipal Utilities is responsible for \$279,489.50 of the project amount for waterline work. The City received a \$252,228 grant and a \$125,000 zero interest loan from Ohio Public Works Commission. The project will add right turn lanes at all four corners, install curbs, replace the water line, widen the road, and install new traffic lights.

Temporary Legislation #10245, AN ORDINANCE AUTHORIZING THE CITY TO ADOPT A \$1.27 PER QUARTER ADMINISTRATION FEE FOR PAYMENT OF THE ACCRUED AND FUTURE COSTS OF PARTICIPATION IN THE 2013 LORAIN COUNTY CONSORTIUM FOR COLLECTION, TRANSFER, AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

Avon Lake was involved in the Lorain County consortium. There were highly qualified experts who assisted in the preparation of the bid documents and agreements to execute the new trash contract that will become effective January 1, 2014. The consortium agreed to institute a small administration fee on customers' bills to pay the fees of the lawyers and professional consultants. This ordinance will authorize the fee beginning with the new contract in 2014.

Temporary Legislation #10246, AN ORDINANCE AUTHORIZING THE PURCHASE OF A VEHICLE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10246. Lt. Streator recommended the purchase of a 2014 Chevrolet Tahoe in the amount of \$26,416 from Byers Chevrolet through the State Purchasing Program.

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

No: None

Motion carried.

**Ordinance No. 149-2013 adopted.**

Temporary Legislation #10247, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO FORD UTILITY INTERCEPTORS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10247. Lt. Streator recommended the purchase of two Ford Utility Interceptors in the total amount of \$54,560 from Statewide Ford through the State Purchasing Program.

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

No: None

Motion carried.

**Ordinance No. 150-2013 adopted.**

Temporary Legislation #10248, AN ORDINANCE PROVIDING FOR TRANSFERS, ADJUSTMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10248. The Finance Director determined certain financial transactions are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 151-2013 adopted.**

Temporary Legislation #10249, A RESOLUTION TO SUPPORT LEEDCO'S EFFORT TO BUILD AN OFFSHORE WIND POWER INDUSTRY IN OHIO, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10249. LEEDCo's pilot program to build an offshore wind power industry is called "ICEBREAKER". The projected schedule for completion is October of 2017. It would be the first offshore wind project in the Great Lakes and among the first in the United States. This project will create a model for responsible offshore wind development.

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

No: None

Motion carried.

**Ordinance No. 152-2013 adopted.**

Temporary Legislation #10250, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH THE IMPACT GROUP, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10250. The Impact Group is a public relations firm which will develop a communications program to explain and clarify the complex situation of the tax revenue reduction related to the GenOn plant in an open public forum to avoid any misconception by the residents. The contract amount shall not exceed \$12,000. The loss of revenue will have a significant impact on the City's finances. The revenue from the public utilities personal property tax has gone from \$63 million to \$16 million which will most likely increase the property taxes of residents.

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

No: None

Motion carried.

**Ordinance No. 153-2013 adopted.**

## **PUBLIC INPUT**

Richard Gerrone, 490 Bayhill Drive, Avon Lake, commented on the potential increase of property taxes and expressed his opposition to the hiring of The Impact Group. He further suggested the City engage in regionalization of the Fire Department to reduce the costs of services.

## **ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Absent: Bucci

Motion carried.

Adjournment: 8:35 P.M.

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

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