

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD OCTOBER 24, 2011**

The Regular Meeting of the Avon Lake Municipal Council was called to order on October 24, 2011 at 8:06 P.M. following the Special Collective Committee Meeting in the Council Chamber with Council President Zilka presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the October 11, 2011 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

The Lorain County Manufacturing Association held its meeting at the Lake House on October 12, 2011.

On October 13, 2011, the Mayor attended the EG Net Regional Collaboration Conference in Akron.

On October 19, 2011, the Mayor attended the Mayors and City Managers Meeting at Lorain County Community College.

Jean Whitmer celebrated her 100<sup>th</sup> birthday.

A groundbreaking ceremony was held for the new assisted living addition at Towne Center.

On October 20, 2011, GL Direct sponsored a networking reception for local businesses.

The Mayor congratulated the local UAW for ratifying their new union contract.

Trick-or-Treat will be celebrated on October 31<sup>st</sup> from 6:00 – 7:30 P.M.

Limited leaf pick-up has begun with two trucks in service. The full crews will be out beginning November 1<sup>st</sup>. Residents can check the website for leaf pick-up scheduling. Leaves should be placed on tree lawns and not in the street. It is not permitted to place leaves in the street for safety and storm water management reasons.

Training has begun on the new website. The new website will have more capabilities than the present website. Committee Chairs should submit their requests for the posting of information.

### **COUNCIL PRESIDENT'S REPORT**

Council President Zilka made the following announcements. October 31<sup>st</sup> is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for November 7<sup>th</sup>; the next Regular Council Meeting is scheduled for November 14<sup>th</sup>.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

Asphalt paving is scheduled to begin on Redwood Boulevard. The work on the Dellwood/Inwood area is scheduled to begin the week of November 7<sup>th</sup>. All other asphalt work should be completed prior to November 7<sup>th</sup>.

The final grading on the Krebs Road ditch enclosure project will not be completed until next spring since the Service Department crews will be occupied with leaf pick-up.

### **LAW DIRECTOR'S REPORT**

The Law Department Update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch reported on her trip to Columbia Station. Alliance Auto Gas has a Ford Crown Victoria that is converted to propane fuel. The car will be available for a period of time to the Avon Lake Police Department for test drives. The vehicle can be converted from gasoline to propane fuel by flipping a switch. Extreme Performance located in North Ridgeville performs the gas conversions.

The Environmental Issues Series will continue at the Avon Lake Public Library on November 9, 2011 at 7:00 P.M.; deer management will be the topic of discussion.

### **FINANCE COMMITTEE REPORT**

Mr. Zilka reported on the following items discussed at the October 17, 2011 Finance Committee meeting: insurance contract bids, the August final statement, the September preliminary statement, general fund expenditures, a transfer ordinance, and the Budget Commission resolution accepting the tax rates.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the October 24, 2011 Human Resources Committee meeting: Fire Department job descriptions, a pay scale for the position of LORCO Administrative Assistant, and PERS pick-up for non-bargaining unit employees.

### **PUBLIC SERVICE COMMITTEE REPORT**

A Public Service Committee meeting is scheduled for October 26, 2011 at 7:00 P.M. in the Engineering Conference Room. Agenda items include monument style mailboxes and the Peter Miller House lease.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos reported on information provided by First Energy representative Karen Kirsch. The cable replacement scheduled for Bayview and Westwind Drive has been engineered and released to the line shop. First Energy will replace 2800 feet of cable. It has not been determined if the project will be completed this fall. The First Energy engineering department is studying the possibility of a feeder tie between circuits in the event of a circuit failure to avoid a total power failure.

Due to the installation of WOW service, there are 32 street lights that are not working, but have been placed into a repair program. Residents should report any broken street lights or power outages to First Energy or a Council member.

### **SAFETY COMMITTEE REPORT**

The Fire Chief recommended the purchase of three cardiac monitor defibrillators, Life Pak 15's, with ancillary equipment in the amount of \$75,285.76 through the State Purchasing Program. These will replace Life Pak 12's and 11's that the City has been using. This brand is tied into the local hospitals and has built-in modems making communication easier. This purchase will be funded through the paramedic fund.

### **SEWER COMMITTEE REPORT**

A Sewer Committee meeting is scheduled for October 26<sup>th</sup> at 4:00 P.M. in the Engineering Conference Room.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the October 20<sup>th</sup> Economic Development Committee meeting: the proposal from Hosted Technology Exchange (HTex), and a job growth incentive program.

### **CABLE ADVISORY COMMISSION REPORT**

Mr. Kos reported on the following items discussed at the October 20, 2011 Cable Advisory Commission meeting: sale of cable studio equipment; revisions to the ALCTV rules and regulations; and Avon Lake cable channel reception on WOW.

Mrs. Fenderbosch was notified by WOW that there is a computer generated problem between WOW and AOL e-mail accounts. WOW customers should switch to a g-mail or a yahoo account temporarily until the problem is solved.

### **MOTIONS**

Mr. O'Donnell moved to authorize the Mayor to sign the Amendment to the City of Avon Lake Parks & Recreation Department Concession Lease for Weiss Field with the Avon Lake Youth Baseball Federation. The amendment is necessary since the Baseball Federation is building a new concession stand.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Mayor to sign a contract with Eco Tree Services in the amount of \$24,500 for removal of ash trees at Bleser Park, Inwood, the Old Firehouse Community Center, and the cemetery. There were no objections to the editorial change in the motion; there was an error in the wording on the agenda. This expenditure is partially covered by the Emerald Ash Borer Grant. Thirteen replacement trees will be planted at Sunset Park, and forty-nine at Weiss Field.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Motion carried.

Mr. Bucci moved to authorize the Mayor to enter into an agreement for consulting services with Hosted Technology Exchange (HTex) for an amount not to exceed \$1,500. HTex will help the City find some efficiencies within the current systems and future systems. HTex is a part of Sourcing Office. Law Director Kerner stated that the Hosted Technology Exchange Member Services Agreement, and the Systems Design and Cost Optimization Statement of Work will be authorized by the motion. These are complimentary agreements.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Motion carried.

## **LEGISLATION**

Mr. Zilka moved to table Temporary Legislation #9897. The tabling of this proposed legislation is based on discussion which occurred at the October 24, 2011 Collective Committee Meeting and a Finance Committee meeting regarding the awarding of the comprehensive insurance contract.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Motion carried.

### Third Reading:

Temporary Legislation #9883, AN ORDINANCE REVISING THE PAY RANGES FOR THE POSITIONS OF BILLER-BOOKKEEPER I AND CASHIER BOOKKEEPER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9883. The Board of Municipal Utilities approved pay ranges for these positions. The job descriptions for these positions were recently revised and this legislation will put in place salary ranges covering these positions. Mr. Bucci stated that he has voted against all pay increases for personnel that fall under the umbrella of the administration. The pay ranges being considered in this legislation fall under the Avon Lake Municipal Utilities which is governed by an independent elected board. Therefore, out of deference to the Board, Mr. Bucci stated that he will support the proposed pay ranges.

In answer to Mr. Meiners, Mr. Bucci stated that he believes the Municipal Utilities will have the authority to move their employees covered in the proposed pay ranges one step at a time. He further stated that the proposed pay ranges apply to two newly created positions. Law Director Kerner stated that Council has control over the pay ranges, and the Utilities Board has control over granting step increases. He further stated that the Board does have to follow the Codified Ordinances regarding salaries and promotions. Mr. Kerner stated that Council's job is to approve the pay ranges, and it is up to the Utilities Board to administrate them and that they do not have to come back to Council.

Mr. Meiners stated that he thinks it is the intention of the Board to provide pay increases for three employees. Mr. Kerner stated that he does not know that to be true, but thinks the pay ranges are being put into place for a reason and the Board will have to follow the ordinances. Mr. Meiners referred to correspondence from the

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Municipal Utilities indicating that they are seeking a 7% increase for three employees.

Mr. Bucci stated that the proposed pay ranges cover new positions, and therefore, it is difficult to compare the salaries to those of the present positions held by three employees.

Mr. Kos pointed out that names are not attached to the proposed pay ranges and that the new positions have not yet been filled.

Mr. Meiners stated that, by a 3-3 vote, Council failed to pass an ordinance approving 7% wage increases for three Utilities employees; Mr. Bucci was absent at that meeting. Since then, the Municipal Utilities has recommended the pay ranges with step increases. Mr. Meiners stated that he believes the three employees will received 7% increases once Council approves the pay ranges.

Law Director Kerner made the following comments. There was an error in the way the matter was sent to Council. The legislation with names listed and salaries was inappropriate. Council is now looking at pay ranges and not individual salaries of people. The pay ranges have been revised so they are different than the previously considered 7% increases and are within the requirements and constraints of the Codified Ordinances. Council is now considering just the pay ranges.

Mrs. Fenderbosch referred to a document showing comparisons between the non-negotiated Biller-Bookkeeper positions, and the negotiated positions of the Finance Department. The Municipal Utilities Board approved a 10% PERS fringe benefit for the three Biller-Bookkeepers for one year. In prior years, the PERS fringe benefit was 8.5%. The Finance Department employees do not have any PERS pick-up benefit. For the year 2010 – 2011, the Utilities Board approved 6.96% increases for the Biller-Bookkeepers and the Cashier Bookkeeper positions. The Finance Department employees received the following increases: Payroll Clerk - 2.75%; Account Payable Clerk – 2.75%.

Yes: Rush, Zilka, Bucci, O'Donnell

No: Fenderbosch, Kos, Meiners

Motion carried.

**Ordinance No. 114-2011 adopted.**

### First Readings:

Temporary Legislation #9890, AN ORDINANCE ADOPTING THE UPDATED SECTION 125 PREMIUM ONLY PLAN FOR THE YEAR ENDING OCTOBER 31, 2012, AND DECLARING AN EMERGENCY, was read by title only.

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

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Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9890. This ordinance is necessary to be in compliance with IRS regulations regarding employee medical coverage and health care reform changes.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

**Ordinance No. 115-2011 adopted.**

Temporary Legislation #9891, AN ORDINANCE PROVIDING FOR TRANSFERS, AMENDMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9891. The Finance Director determined certain financial adjustments are necessary to appropriate money for the current expenses of the City.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

**Ordinance No. 116-2011 adopted.**

Temporary Legislation #9892, AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL REAL PROPERTY FOLLOWING BID, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: Rush

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9892. The Board of Municipal Utilities advertised for bids for the sale of a parcel of real property. The \$850 bid by Gamillia Construction was the sole bid received. This parcel is located

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in the southeast corner near the intersection of Rt. 83 and Walker Road. The City has no use for this parcel.

Mr. Rush stated that this transaction should have had more discussion by Council.

Yes: Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: Rush

Motion carried.

**Ordinance No. 117-2011 adopted.**

Temporary Legislation #9893, AN ORDINANCE AWARDDING A CONTRACT FOR THE TROY SCHOOL DRIVEWAY, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9893. Concrete & More submitted the low bid of \$88,868.84; six bids were received. This project is being done in conjunction with the Canterbury Road sewer project. The Avon Lake schools will contribute \$50,000 in installment payments for this project; the Municipal Utilities will contribute \$35,000.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

**Ordinance No. 118-2011 adopted.**

Temporary Legislation #9894, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9894. The City of Avon Lake is required annually to establish the necessary tax levies establishing the inside and outside millage. The inside millage is 4.2 mills, and the outside millage is

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3.16 mills. The total limitation on debt levies is 2.75 mills. This does not represent any tax increase.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

**Ordinance No. 119-2011 adopted.**

Temporary Legislation #9895, AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE CARDIAC MONITOR DEFIBRILLATORS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9895. The Fire Chief recommended the purchase of three cardiac monitor defibrillators and ancillary equipment from Physio Control Inc. through the State Purchasing Program. The total amount is \$75,285.76. This purchase is funded through the paramedic levy.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos Meiners, O'Donnell

No: None

Motion carried.

**Ordinance No. 120-2011 adopted.**

Temporary Legislation #9896, AN ORDINANCE ESTABLISHING PAY RANGES FOR THE POSITION OF LORCO ADMINISTRATIVE ASSISTANT WITHIN THE AVON LAKE MUNICIPAL UTILITIES, AND DECLARING AN EMERGENCY, was read by title only.

The Board of Municipal Utilities recommended a pay range for the position of LORCO Administrative Assistant. At the time of hiring the LORCO Administrative Assistant, the pay range was not established.

Temporary Legislation #9898, AN ORDINANCE AWARDED A CONTRACT FOR THE PURCHASE OF COMPREHENSIVE INSURANCE COVERAGE FOR THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, O'Donnell

No: Meiners

Motion carried.

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Mr. Zilka moved for passage of Temporary Legislation #9898. Two bids were received. Custis Insurance Services submitted the low bid of \$112,400.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, O'Donnell

No: Meiners

Motion carried.

**Ordinance No. 121-2011 adopted.**

**PUBLIC INPUT**

Karen Custis Bockelman, Custis Insurance of Sheffield Lake, thanked Council for choosing her firm for comprehensive insurance coverage.

Chris Quinlan, 73 Community Drive, Avon Lake, informed Council of a street light that is not working.

**ADJOURNMENT**

Mr. O'Donnell moved to adjourn.

Yes: Rush, Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Motion carried.

Adjournment: 9:10 P.M.

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

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