

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

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

Mr. Meiners 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.

APPROVAL OF MINUTES

The minutes of the October 15, 2013 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Trick or Treat will take place October 31st from 6:00 P.M. – 7:30 P.M.

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.

The Avon Lake Municipal Utilities sponsored the "Clean Water Mobile Experience" on October 15th and 16th. Over 800 students learned about clean water and how to protect Lake Erie.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is scheduled for November 4th. In honor of Veterans Day, no Council meeting will be held on November 11th. A rescheduled Council Meeting will be held on Tuesday, November 12th at 7:30 P.M.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

Branch pick-up will be suspended beginning November 1st 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.

Mr. Shondel commended Denes Concrete, the Service Department, and the Engineering Department on the road repairs in Britannia Estates.

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.

HUMAN RESOURCES COMMITTEE

The Human Resources Committee is scheduled to meet November 4, 2013 at 6:30 P.M. in the Council Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee discussed the following items at the October 28, 2013 Public Service Committee meeting: the naming of Mannino Field; amendments the Codified Ordinances relative to the Building Department; and the trash contract.

Mr. James explained the trash contract expires December 31, 2013. Earlier in the year the administration and the Public Service Committee recommended joining a consortium of neighboring townships and villages to collaboratively bid out the trash contract in order to achieve more favorable rates. The bids were favorable for the townships, but were not favorable for Avon Lake. Avon Lake was able to re-bid the contract with positive results and tangible benefits for the residents with lower rates beginning in January. In the re-bidding process, Avon Lake received four bids. The lowest and best bid came from Browning-Ferris Industries, a subsidiary of Republic Services. The new contract will introduce the cart system to all residents. Residents will have an option to choose the following cart size: 96 gallon container at \$49.35; 64 gallon container at \$44.40; or a 32 gallon container at \$39.96. In addition, every resident will receive a 64 gallon recycling container. There will no longer be a senior citizen discount, since seniors will be able to choose the smaller containers. Bulk pick-up will be only once a month with the new contract.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee will meet November 7, 2013 at 7:30 P.M. with a presentation by NOPEC on natural gas aggregation.

SEWER COMMITTEE REPORT

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

PLANNING COMMISSION REPORT

Planning Commission will meet November 5, 2013 at 7:30 P.M. in the Council Chamber.

MOTIONS

Mr. Bucci moved to confirm the Mayor's appointment of Jeff Schneid to the West End Redevelopment Commission. Mr. Schneid will be the representative from the Economic Development Advisory Board.

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

No: None

Motion carried.

Mr. James moved to appoint David Kos as the Council liaison to the Avon Lake Historical Preservation Commission. The membership of the Commission provides for a Council representative as a non-voting member. Mr. Kos has been serving in the capacity unofficially.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to permit Mr. James to abstain from voting on Temporary Legislation #10233. This legislation approves a contract with Browning-Ferris for trash collection. Mr. James is employed at the law firm which has had contracts with Browning-Ferris. To avoid any perceived conflict of interest, Mr. James asked to be excused from voting on the contract.

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

No: None

Motion carried.

LEGISLATION

First Readings:

Temporary Legislation #10220, 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.

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10220. The Finance Director determined certain transfers between funds and adjustments to permanent appropriations and estimated revenues are needed for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 128-2013 adopted.

Temporary Legislation #10221, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 232.06, ENTITLED INVESTMENT POLICY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10221. The Finance Director recommended amendments to the Investment Policy to allow for greater flexibility in investing the City's money to achieve more favorable returns.

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

No: None

Motion carried.

Ordinance No. 129-2013 adopted.

Temporary Legislation #10222, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH JAMES G. ZUPKA, C.P.A., INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10222. James G. Zupka, C.P.A., Inc. will perform the 2013 CAFR. The contract amount is \$14,000.

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

No: None

Motion carried.

Ordinance No. 130-2013 adopted.

Temporary Legislation #10223, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH THE STATE AUDITOR'S OFFICE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10223. The State Auditor's Office submitted a \$2,337.00 change order for additional work performed on the 2012 audit.

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

No: None

Motion carried.

Ordinance No. 131-2013 adopted.

Temporary Legislation #10224, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10224. Every year the Budget Commission provides the City with data based upon the current levies and how much revenue those levies will generate. The City is required to pass a resolution accepting the amounts determined by the Budget Commission

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

No: None

Motion carried.

Ordinance No. 132-2013 adopted.

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.

This new position was created due to the consolidation of the Service and Engineering Departments.

Temporary Legislation #10226, 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. 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.

Temporary Legislation #10227, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A PART-TIME POLICE OFFICER IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10227. The Police Chief recommended hiring three part-time police officers to increase the pool of part-time officers who can be called to duty when needed. This confirms the appointment of Sean Yonkers.

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

No: None

Motion carried.

Ordinance No. 133-2013 adopted.

Temporary Legislation #10228, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A PART-TIME POLICE OFFICER IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10228. The Police Chief recommended hiring three part-time police officers to increase the pool of part-time officer who can be called to duty when needed. This confirms the appointment of Anthony Cirese.

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

No: None

Motion carried.

Ordinance No. 134-2013 adopted.

Temporary Legislation #10229, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A PART-TIME POLICE OFFICER IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10229. The Police Chief recommended hiring three part-time police officers to increase the pool of part-time officer who can be called to duty when needed. This confirms the appointment of Jason Melda.

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

No: None

Motion carried.

Ordinance No. 135-2013 adopted.

Temporary Legislation #10230, AN ORDINANCE AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH CLEMANS NELSON & ASSOCIATES, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10230. At the recommendation of the Mayor, requests for proposals were solicited for outside consulting services to assist with the collective bargaining process. The Mayor and Human Resources Committee recommend the firm Clemans Nelson & Associates.

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

No: None

Motion carried.

Ordinance No. 136-2013 adopted.

Temporary Legislation #10231, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH AISLINN CONSULTING LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10231. The City solicited Requests for Proposals for consulting services related to the GenOn plant conversion and possible closing. Two respondents were interviewed; Aislinn Consulting Inc. with support from McMahon DeGullis LLP was chosen for the project. The contract shall not exceed \$33,000.

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

No: None

Motion carried.

Ordinance No. 137-2013 adopted.

Temporary Legislation #10232, A RESOLUTION SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE THROUGH GOVERNMENTAL OPT-OUT FOR ELECTRIC AGGREGATION.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10232. NOPEC requested participating communities to pass a resolution supporting the continued aggregation of electrical power to demonstrate to the State Legislature and the Public Utilities Commission of Ohio that there is wide support for the program.

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

No: None

Motion carried.

Ordinance No. 138-2013 adopted.

Temporary Legislation #10233, AN ORDINANCE AWARDDING A CONTRACT FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Abstention: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10233. The City of Avon Lake joined a consortium with surrounding townships to bid the trash contract to obtain more favorable rates. Avon Lake did not receive favorable rates through the consortium efforts, and therefore re-bid the contract. Four bids were received with three of the bids being acceptable. Each company had two separate bids; one bid was to keep the same services; the second bid gave residents a choice of container size. A 96 gallon container will cost \$49.35; a 64 gallon container will cost \$44.40, and a 32 gallon container will cost \$39.96. The rates include recyclable materials and customers will be given a separate recycling container. Bulk pick-up will be one time each month. Residents will have the option to choose unlimited bulk pick-up and an extra container at additional charges. Under the new contract, the fuel surcharge will be based on a government index. The new contract goes into effect January 1, 2014. Avon Lake will remain in the consortium to have oversight from the environmental attorneys; customers will be charged a small fee of under \$0.50 per quarter to remain in the consortium.

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

No: None

Abstention: James

Motion carried.

Ordinance No. 139-2013 adopted.

Temporary Legislation #10234, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH REBMAN SYSTEMS, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10234. Rebman Securities installed the new security lock system at City Hall. A change order is

necessary to install additional equipment to allow City Hall doors to be open at various times for public meetings.

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

No: None

Motion carried.

Ordinance No. 140-2013 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch read a letter she wrote to the Editor of *The Press* in support of the Issues 3 and 4, the proposed Charter amendments.

Mr. James reminded residents to vote on November 5th and expressed his support of Issues 3 and 4.

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:35 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council