

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD SEPTEMBER 23, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on September 23, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci 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, 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 objection Mr. Meiners was excused from attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the September 9, 2013 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

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

A budget meeting is scheduled for September 30, 2013 at 6:30 P.M. at the Lake House.

Law Director Lieberman and Contract Administrator Joe Reitz reviewed the Purchasing Procedure Policy and have noted inconsistencies with the Codified Ordinances. This item will be referred to the appropriate committee for a recommendation to Council and the administration.

Members of the administration have met with members of the Avon Lake School Board and NRG to work out an agreement under which the proposed natural gas conversion can take place to keep the power plant open beyond the April 15, 2015 announced plant closure date.

Mayor Zilka will be interviewed on WEOL on September 24<sup>th</sup> at Café Rio.

**COUNCIL PRESIDENT'S REPORT**

September 30<sup>th</sup> is the fifth Monday of the month and no Council meeting is scheduled. Council will hold a budget meeting on that date at 6:30 P.M. at the Lake House. This is the first step in the 2014 budgetary process.

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The next Collective Committee meeting is scheduled for October 7<sup>th</sup>. Monday October 14<sup>th</sup> is Columbus Day and no Council meeting is scheduled. A rescheduled Council meeting will be held on Tuesday, October 15<sup>th</sup>.

Mr. O'Donnell introduced Dr. Roy Church, President of Lorain County Community College. Dr. Church gave a history of the college and discussed Issue 2, the levy which will appear on the November ballot.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

The concrete street project is being completed.

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

The Law Director's litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee will meet October 9, 2013 at 7:00 P.M. in the Council Conference Room.

### **HUMAN RESOURCES COMMITTEE**

The Human Resources Committee will meet October 7, 2013 at 6:15 P.M. in the Council Conference Room.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported the following items were discussed at the September 23, 2013 Public Service Committee meeting: ash tree removal; Lear Road/Walker Road Intersection Project; Walker Road Project between Lear Road and Jaycox Road; rejection of trash collection bids; trash collection contract re-bid; a park bench donation; and the Folger Home lease.

### **PUBLIC UTILITIES COMMITTEE REPORT**

The Public Utilities Committee will meet October 3, 2013 at 7:00 P.M. in the Council Conference Room. NOPEC will present information on aggregation for natural gas.

Residents should report any power outage or surge, no matter how small, to First Energy at 888-LIGHTSS or 888-544-4877.

### **SAFETY COMMITTEE REPORT**

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Mr. Kos reported on the following items discussed at the September 18, 2013 Safety Committee meeting which will be voted on later in the meeting.

The refurbishment of the Fire Department ladder truck will not be completed by the completion date in the contract. KME faces a \$500 a day penalty for each day beyond the completion date stipulated in the contract. KME requested an extension to October 31, 2013 to properly complete the refurbishment. In lieu of penalty fees, KME agreed to add upgrades to the truck equaling \$25,000 which is nearly equal to the potential penalty fees.

The Fire Chief recommended purchasing nine sets of turn out gear from Warren Fire Company in the amount of \$23,544. One valid bid was received.

The Fire Chief recommended the purchase of a Lucas 2 Chest Compression System which improves survival in cardiac arrest. The total cost is \$14,495.00.

### **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the following items discussed at the September 12, 2013 Sewer Committee meeting: update of letters sent regarding the lateral sewer separation project; update on the Belmar sewer separation project; and the Moorewood combined sewer separation project.

Residents who have received rain gauges from the City should report rain fall data to the Engineering Department.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

The Economic Development Committee is scheduled to meet October 2, 2013 at 6:15 P.M. in the Council Conference Room.

### **RENEWABLE ENERGY TASK FORCE REPORT**

The Mayor, Mr. Reitz, and Mrs. Fenderbosch attended the Ohio Green Fleets award luncheon held at the Great Lakes Truck Expo. Avon Lake was mentioned as having an emerging industry in the propane area.

### **CABLE ADVISORY COMMISSION REPORT**

A third program in the bullying series will be taped on November 5, 2013 by ALCTV.

### **MOTIONS**

Mr. James moved to authorize the re-advertisement of bids for the Lear Road/Walker Road Intersection Project. The Engineering Service Director requested authority to re-advertise for bids since only one bid was received which was in excess of the budgeted amount.

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

No: None

Absent: Meiners

Motion carried.

Mrs. Fenderbosch moved to reject the bids by Rumpke of Ohio, Inc. and Republic Services for trash collection which were solicited through the consortium with neighboring communities. The bids were not favorable to Avon Lake.

Mr. James moved pursuant to Codified Ordinance 220.19 to be excused from voting on the motion due to a potential conflict of interest. Mr. James' employer has represented both Rumpke and Republic Services in the past, although Mr. James has not personally represented either company.

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

No: None

Absent: Meiners

Motion carried.

The roll was called on the motion to reject the bids.

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

No: None

Abstention: James

Absent: Meiners

Motion carried.

Mr. James moved to authorize the advertisement of bids for trash collection. Since Council approved the rejection of trash collection bids received through the consortium, it is necessary to solicit bids for Avon Lake trash collection. Since it is not known which companies will submit bids, it is permissible for Mr. James to participate in this motion.

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

No: None

Absent: Meiners

Motion carried.

Mr. James moved to accept the donation of a park bench for Veterans Memorial Park. The Sheard family wishes to donate a park bench valued at approximately \$600.

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

No: None

Absent: Meiners

Motion carried.

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Mr. James moved to instruct the Law Director to advise the Avon Lake Landmark Preservation Society that the City considers its lease to be operating under the holdover provision, but that the City does not intend to continue operating under that provision in excess of an additional six months. The original lease of the Folger Home was for five years with the option for the tenant to renew the lease for four terms of five years each.

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

No: None

Absent: Meiners

Motion carried.

Mr. Kos moved to authorize the purchase of a chest compression system from Physio Control, Inc. in the amount of \$14,495.00.

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

No: None

Absent: Meiners

Motion carried.

Mr. Kos moved to authorize the Law Director to draft an addendum to extend the contract deadline with KME for refurbishment of the Fire Department ladder truck.

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

No: None

Absent: Meiners

Motion carried.

## **LEGISLATION**

### Second Reading:

Temporary Legislation # 10214, AN ORDINANCE APPROVING A SITE PLAN FOR AN EXISTING CONDITIONAL USE AT BUSCH FUNERAL HOME, AND DECLARING, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10214. Busch Funeral Home requested approval of a site plan for a 2500 square foot addition. The project will eliminate a portion of the off street parking along Electric Boulevard while expanding the existing parking lot. A six foot high living fence will be

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constructed of non-deciduous plants. Parking lot lighting will be changed to LED lighting.

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

No: None

Absent: Meiners

Motion carried.

**Ordinance No. 122-2013 adopted.**

First Readings:

Temporary Legislation #10215, A RESOLUTION SUPPORTING ISSUE 2 FOR LORAIN COUNTY COMMUNITY COLLEGE ON NOVEMBER 5, 2013, was read by title only.

Issue 2 is a 1.5 mill renewal levy and a 0.6 mill increase to support the high quality, affordable education offered by LCCC, and to further the University Partnership program. If approved by the voters, Issue 2 will add an additional \$1.75 per month on property taxes per \$100,000 property value.

Temporary Legislation #10216, AN ORDINANCE AWARDED A CONTRACT FOR ASH TREE REMOVABLE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. James moved for passage of Temporary Legislation #10216. The Engineering Service Director recommended accepting the bid by Lescher Tree Service in the amount of \$25,822.04. The only other bid received was disqualified for failure to comply with the bid specifications.

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

No: None

Absent: Meiners

Motion carried.

**Ordinance No. 123-2013 adopted.**

Temporary Legislation #10217, AN ORDINANCE AUTHORIZING THE PURCHASE OF TURN OUT GEAR FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10217.

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

No: None

Absent: Meiners

Motion carried.

**Ordinance No. 124-2013 adopted.**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The Avon-on-the-Lake Garden Club in cooperation with the City of Avon Lake held the Blue Star Memorial dedication plaque ceremony on September 22<sup>nd</sup>.

The "Big Trucks" event was held on September 21<sup>st</sup>.

The Rotary "Pizza Bash" will be held on September 26<sup>th</sup> at the Avon Lake High School.

The dedication of the Folger Home as a historic landmark will take place on September 28<sup>th</sup> at noon.

**PUBLIC INPUT**

Jim Busch, President of Busch Funeral Homes, thanked Council for approving the site plan for the expansion of Busch Funeral Home.

**ADJOURNMENT**

Mr. James moved for adjournment.

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

No: None

Absent: Meiners

Motion carried.

Adjournment: 8:25 P.M.

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

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

