

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 24, 2012**

The regular meeting of the Avon Lake Municipal Council was called to order on September 24, 2012 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 Members Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

There being no objections, Mr. James was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the September 10, 2012 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

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

The Lorain County Joint Vocational School will have Issue 41, a .75 five-year mill renewal levy on the November ballot for operating expenses. The school provides over 2000 students with the opportunity to choose a technical career, and also provides over 3000 adults with technical skills and certifications.

Issue 49, the renewal mental health levy which plans, funds, and monitors various mental health programs in Lorain County, will also appear on the November ballot.

Mr. Schoeber, an Avon grape farmer, agreed to silence the air cannon he was using to protect his crop from being destroyed by wildlife. The cannon was disturbing the peace and sleep of Avon Lake residents.

The 2010 State audit is complete. The Finance Director has tentatively scheduled the audit conference for Tuesday, October 9, 2012 prior to the rescheduled Council meeting.

The Mayor gave the "State of the City" address to the Kiwanis Club. In his address, the Mayor stressed that the EMS levy is a 2.0 mill replacement levy, but the increase

September 24, 2012 Council Meeting Minutes

is only .75 mills. The .75 mills represent a \$22.97 increase per year per \$100,000 property value.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell made the following announcements.

The next Collective Committee meeting is scheduled for October 1st. In observance of Columbus Day, Council will not meet on Monday, October 8th. A rescheduled Council meeting will be held on Tuesday, October 9th at 7:30 P.M.

Pursuant to the Charter Section 72, a Charter Review Commission will be appointed to serve in 2013. Council and the Mayor would like to have the commission appointed by the end of the year. Council shall appoint four members, one from each ward, to the commission. The Mayor shall appoint five members. Commission members must be residents of Avon Lake for two years immediately preceding appointment. Interested residents should send a resume and letter of interest to the Clerk of Council at bdopp@avonlake.org, or by mail to 150 Avon Belden Road.

A vacancy exists on the Environmental Affairs Advisory Board. Interested residents should contact the Clerk of Council.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

The concrete street repairs should be completed in the Brunswick Road area by the end of the week. Catch basins are being repaired in the area. The contractor will then move to the Marbrook area. Affected residents will receive notices.

LAW DIRECTOR'S REPORT

The Law Department report on pending litigation was distributed.

SAFETY COMMITTEE REPORT

Mr. Kos gave the following report on the Fire Department ladder truck. Replacement of the ladder truck would cost between \$1.2 to \$1.4 million. Due to the cost, the Fire Chief and Safety Committee recommend repairing and refurbishing the current ladder truck. It is estimated that the City could get 12 more years of use from the current ladder truck. There is approximately \$371,000 in the fire apparatus replacement fund. The Fire Chief is in the process of compiling a detailed list of all necessary repairs for the advertisement of bids. The awarding of the contract should come before Council for consideration by the end of October.

SEWER COMMITTEE REPORT

September 24, 2012 Council Meeting Minutes

Mrs. Fenderbosch reported on the following items discussed at the September 13, 2012 Sewer Committee meeting: the Stormwater Master Plan update; the Law Director's update on fee adjustments; the Drug Mart Plaza sanitary sewer connection to Moore Road; the foundation drain sump pump disconnection program; Belmar Road sewer update; and the Moorewood district sewer separation project design.

The next meeting of the Sewer Committee is scheduled for October 11, 2012 at 6:30 P.M. in the Engineering Conference Room.

ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT

The Board is scheduled to meet on September 27, 2012 at 6:30 P.M. in the Engineering Conference Room.

TREE COMMISSION REPORT

The Tree Commission met on September 12, 2012. The Commission is working on a master plan for a city-wide street tree program to address the loss of trees due to disease, storms, and other adverse weather conditions. If such events should occur and residents wish to replace the street trees at their expense, the plan will serve as a blueprint designating acceptable primary and secondary trees from which to choose. Trees will be selected for appropriate size, disease resistance, durability, and aesthetic qualities.

MOTIONS

Mr. Kos moved to authorize the advertisement of bids for repair of the Fire Department ladder truck. The Safety Committee voted 3-0 to recommend this item to Council.

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

No: None

Absent: James

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #10043, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH IMOD MANAGEMENT GROUP LLC/ DESIGN ENGINEERING, INC. TO ALLOW FOR THE EXPANSION OF IMOD MANAGEMENT GROUP LLC/DESIGN ENGINEERING INC'S OPERATIONS WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

September 24, 2012 Council Meeting Minutes

Mr. Bucci moved for passage of Temporary Legislation #10043. IMOD Management requested 75% tax abatement for the expansion of its operations on Moore Road to include construction of a 12,000 square foot building. The total project investment is \$755,000 with five new jobs being added. The Board of Education approved the abatement. Tax abatement agreements are reviewed annually by the Community Reinvestment Area Housing Council to ensure compliance with the terms and conditions of the agreement.

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

No: None

Absent: James

Motion carried.

Ordinance 127-2012 adopted

Second Readings:

Temporary Legislation #10050, AN ORDINANCE AUTHORIZING THE PURCHASE OF A LARGE FORMAT COPIER/SCANNER/PLOTTER FOR THE ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10050. The Engineering Department requested authority to purchase this equipment to replace equipment that is no longer working. The copier/scanner/plotter will be purchased from R&K Technologies in the amount of \$15,285.00.

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

No: None

Absent: James

Motion carried.

Ordinance 128-2012 adopted.

Temporary Legislation #10051, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON FOR THE SHARING OF BUILDING DEPARTMENT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

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

September 24, 2012 Council Meeting Minutes

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

No: None

Absent: James

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10051. The City of Avon and the City of Avon Lake have been sharing personnel for building inspections. This agreement, which has been approved by the City of Avon, defines the responsibilities and liability for each city. The Chief Building Official and the Public Service Committee approved and recommended this agreement.

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

No: None

Absent: James

Motion carried.

Ordinance No. 129-2012 adopted.

First Readings:

Temporary Legislation #10053, 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: O'Donnell, Shondel, Bucci, Fenderbosch, Kos, Meiners

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10053. A \$4,000 change order is necessary for extra work performed on the 2010 State audit. The expense will come from the Finance Department's contractual services account. The Finance Committee approved and recommended the change order to Council.

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

No: None

Absent: James

Motion carried.

Ordinance No. 130-2012 adopted.

Temporary Legislation #10054, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH J. G. ZUPKA, CPA., INC., AND DECLARING AN EMERGENCY, was read by title only.

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

September 24, 2012 Council Meeting Minutes

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10054. A \$5,000 change order is needed to the contract with J. G. Zupka for additional time spent on the 2011 GAAP statement. The expense will come from the Finance Department's contractual services account. The Finance Committee approved and recommended the change order to Council.

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

No: None

Absent: James

Motion carried.

Ordinance No. 131-2012 adopted.

Temporary Legislation #10055, AN ORDINANCE AWARDDING A CONTRACT FOR DRUG MART PLAZA SEWER CONNECTION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10055. This contract is for the connection of the sanitary sewer from the Drug Mart Plaza to the sanitary sewer under Moore Road to eliminate sanitary discharge from entering the storm sewer. The contract amount is \$15,800.00. Section 59 of the Avon Lake Charter allows for the awarding of contracts under \$25,000 without public bidding.

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

No: None

Absent: James

Motion carried.

Ordinance 132-2012 adopted.

Temporary Legislation #10056, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY SCOTT L. WILSON, AND DECLARING AN EMERGENCY, was read by title only.

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

September 24, 2012 Council Meeting Minutes

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10056.

Mr. Meiners moved to amend Temporary Legislation #10056. Section No. 2 of Temporary Legislation #10056 will be amended to remove the language "not to exceed \$10,000.00" and replace it with "not to exceed \$6000.00".

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

No: None

Absent: James

Motion carried.

Scott Wilson, a former employee in the Utilities Department, appealed a decision of a workers compensation case denying his claim for additional compensation from an injury. The Law Director requested approval for an authorized litigation fee limit of \$6,000 to represent the City in this case.

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

No: None

Absent: James

Motion carried.

Ordinance No. 133-2012 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

The Mayor thanked all City workers for the success of the "Big Trucks" event held at the Safety Center on September 15th. Approximately 2400 people attended the event.

Mr. Shondel announced the American Legion Post 211 will host a ceremony on September 25th at 2:00 P.M. honoring Korean War Veterans; 130 veterans will be honored and will receive a certificate from a representative of the Department of Defense.

Mr. Shondel gave an update on "Operation Fly the Flag". Flags were flown at half-staff on Patriots Day, which was celebrated on September 11th. On September 12th, President Obama announced that the flag should be flown at half-staff until sunset on September 16th in honor of the four State Department employees who were murdered in Benghazi, Libya. Notification was sent to residents and businesses, and government entities. Residents interested in being notified of days

September 24, 2012 Council Meeting Minutes

the flag is to be flown at half-staff should contact John Shondel at osujohn@mac.com to be added to the notification list.

PUBLIC INPUT

Doug Miller, 344 Crestwood Drive, Avon Lake, expressed his support for the EMS levy which will appear on the November ballot.

ADJOURNMENT

Mr. Meiners moved for adjournment:

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

No: None

Absent: James

Motion carried.

Adjournment: 8:18 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council