

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

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

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

Present: Council President Marty O'Donnell; Council Members Dan Bucci, 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.

There being no objections, Mrs. Fenderbosch was excused from attendance at the meeting.

APPROVAL OF MINUTES

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

PUBLIC HEARING

A Public Hearing upon an amendment to Planning & Zoning Code Section 1262.04 regarding maximum sign area permitted was called to order at 7:33 P.M.

This amendment will allow businesses to have more advertising presence without being unsightly and overloading the area with signage.

The Public Hearing was closed at 7:36 P.M.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

An informational public forum regarding the NRG plant conversion and the impact on Avon Lake will be held January 8, 2014 at 7:00 P.M. at the Avon Lake High School Performing Arts Center. Representatives from the City of Avon Lake, the Avon Lake Schools, and the Avon Lake Public Library will be present to explain the ongoing situation with NRG and the plan for the plant to remain open.

The following public meetings regarding the new trash collection contract and system are scheduled: January 16, 2013 at 10:00 A.M. at the Old Firehouse Community Center; January 16, 2014 at 7:00 P.M. at Learwood Middle School; and January 23, 2014 at 7:00 P.M. at Troy School.

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The following ward meetings are scheduled: Ward I February 5, 2014 at 7:00 P.M. at Learwood Middle School; Ward II February 12, 2014 at 7:00 P.M. at Learwood Middle School; Ward III February 19, 2014 at 7:00 P.M. at Troy School; and Ward IV February 26, 2014 at 7:00 P.M. at Troy School.

The Mayor, Council President O'Donnell, Superintendent Scott, and School Treasurer Strang went to Columbus to meet with a team from Jobs Ohio in the Governor's office. The main topic was the impact of the conversion of the NRG plant to natural gas and the revenues that will be generated. A future meeting with Jobs Ohio will be scheduled in Avon Lake to discuss economic development in Avon Lake.

COUNCIL PRESIDENT'S REPORT

Council will hold an organizational meeting on January 2, 2014 at 7:30 P.M. The next Collective Committee Meeting is scheduled for January 6th and the next regular Council Meeting is scheduled for January 13th.

There is a vacancy on the Zoning Board of Appeals and on the Avon Lake Historical Preservation Commission. Interested residents should send a letter of interest and a resume to the Clerk of Council at 150 Avon Belden Road or by e-mail to bdopp@avonlake.org.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Shondel reported the Law Director determined there is no need for Council action to rescind the Memorandum of Understanding (MOU) with the City of Sheffield Lake regarding the propane vehicle conversion program. He did recommend that Ordinance 13-2013, approving the loan application for gas conversion, be amended to remove the reference to Sheffield Lake. The Law Director also recommended that the Mayor send a letter to the Mayor of Sheffield Lake confirming that there is no MOU in effect between the City of Avon Lake and the City of Sheffield Lake. Mrs. Fenderbosch prepared a list of the vehicles that could be converted to propane fuel during 2014; seven police vehicles are on the list.

Jeff Westerfield of the Division of Wildlife, Ohio Department of Natural Resources (ODNR), submitted his deer management recommendations for Avon Lake. The document appears to represent a new view by ODNR with emphasis on deer

damage permits and individuals taking responsibility for solving their own problems and the exercise of private property rights.

Energy conservation kits are available upon request from Reliant Energy. The kit contains a power strip, two night lights, and nine compact fluorescent bulbs of different wattages. First Energy customers can request the kits on the First Energy website or by calling 1-800-866-3201. Although there is no charge when ordering the kits, the cost has already been included in customers' bills.

MOTIONS

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor license transfer from ED & R Dining Services LLC, to Jenny Juggs, Inc. The Police Chief has no objections to the transfer request.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to accept the resignation of Joseph Dicesare from the Avon Lake Police Department effective January 2, 2014. Officer Dicesare is retiring after more than 30 years of service.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to authorize the Mayor to sign an agreement with Tequti, Inc. for an amount not to exceed \$13,200. Tequti will help implement a cloud technology system for the Engineering, Zoning, and Building Departments to ensure a smooth transition.

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

No: Meiners

Absent: Fenderbosch

Motion carried.

LEGISLATION

Second Readings:

Temporary Legislation #10238, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1262.04 ENTITLED MAXIMUM SIGN AREA PERMITTED, was read by title only.

The required Public Hearing was held at the beginning of the meeting.

Temporary Legislation #10251, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26 OHIO REVISED CODE DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY, was read by title only.

At the December 2, 2013 Work Session, representatives from NOPEC gave a presentation on the opt-out natural gas aggregation program. Avon Lake has been participating in an opt-out program for electricity since 2002.

Temporary Legislation #10254, AN ORDINANCE CONFIRMING THE APPOINTMENT OF DUANE P. STREATOR AS POLICE CHIEF OF THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Streator will become the Police Chief upon the upcoming retirement of Chief Owad. Mr. Streator passed all Civil Service examinations and assessments.

Temporary Legislation #10255, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JEFFREY SMITH AS LEADMAN IN THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10255. The resignation of Mr. Mealey created a vacancy for the position of Leadman. After passing all Civil Service examinations, Mr. Smith has been recommended for the position of Leadman.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 163-2013 adopted.

Temporary Legislation #10256, AN ORDINANCE CONFIRMING THE APPOINTMENT OF PAUL CASTERLINE AS LABORER IN THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10256. With the promotion of Mr. Smith to the position of Leadman, a Laborer position became vacant. After passing all Civil Service examinations, Mr. Casterline has been recommended to the position of Laborer.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 164-2013 adopted.

Temporary Legislation #10259, AN ORDINANCE AMENDING RESOLUTION NO. 84-2013 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10259. This ordinance establishes the 2014 budget for the City of Avon Lake. Several budget meetings were held with the administration, Finance Director, and Council to develop the budget.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 165-2013 adopted.

Temporary Legislation #10260, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE CHANGING THE WAGE RATE OF THE ELECTRICAL SAFETY INSPECTOR, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10260. David Gunsalus was hired as the Electrical Safety Inspector with the contingency that he would receive a \$3000 salary increase upon acquiring two certifications. Mr. Gunsalus has acquired the residential building inspector license. At this time, he will receive half the amount until he receives the second license.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 166-2013 adopted.

First Readings:

Temporary Legislation #10262, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER XIII, SECTION 67 OF THE MUNICIPAL CHARTER TO PROVIDE FOR A TEMPORARY REPLACEMENT FOR OFFICIALS HOLDING ELECTIVE OFFICE CALLED INTO ACTIVE MILITARY SERVICE, AND DECLARING AN EMERGENCY, was read by title only.

The amendment was recommended by the Charter Review Commission. It will clarify the process of replacing an elected official called to active military duty.

Temporary Legislation #10263, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER IV, SECTION 20 OF THE MUNICIPAL CHARTER TO CHANGE THE DEADLINE FOR ADJUSTING THE SALARY OF THE MAYOR, AND DECLARING AN EMERGENCY, was read by title only.

The Charter Review Commission recommended this amendment to establish a new deadline for adjusting the Mayor's salary. This amendment will allow all residents considering running for the office of Mayor to know what the salary will be before filing their petitions.

Temporary Legislation #10264, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER V, SECTION 24 OF THE MUNICIPAL CHARTER TO CHANGE THE QUALIFICATIONS FOR THE DIRECTOR OF FINANCE, AND DECLARING AN EMERGENCY, was read by title only.

This amendment was recommended by the Charter Review Commission to establish qualifications for the Finance Director. Currently the Charter only requires the Finance Director to be a resident of Avon Lake. Residence requirements have been determined to be unconstitutional by the Ohio Supreme Court. The current Finance Director will be exempt from the requirements if the voters approve the amendment.

Temporary Legislation #10265, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER II, SECTION 9A OF THE MUNICIPAL CHARTER TO CHANGE THE DEADLINE FOR FILING WITH THE BOARD OF ELECTIONS ORDINANCES AND RESOLUTIONS COUNCIL DESIRES TO REFER TO THE ELECTORS, AND DECLARING AN EMERGENCY, was read by title only.

This amendment was recommended by the Charter Review Commission to be consistent with the requirements of the Board of Elections for filing deadlines.

Temporary Legislation #10266, AN ORDINANCE ESTABLISHING THE MAXIMUM AMOUNT FOR BLANKET CERTIFICATES FOR ANY SPECIFIC LINE ITEM ACCOUNT OVER A PERIOD NOT RUNNING BEYOND THE END OF THE CURRENT FISCAL YEAR, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10266. This item was recommended by the State Auditor. The limit will be set at \$900,000 except for the Municipal Utilities which shall be set at \$500,000.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Ordinance No. 167-2014 adopted.

Temporary Legislation #10267, AN ORDINANCE PROVIDING FOR COUNCIL TO AUTHORIZE THE DRAWING OF WARRANTS FOR THE PAYMENT OF AMOUNTS DUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

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No: None
Absent: Fenderbosch
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10267. This ordinance is necessary to authorize a payment to the Alcohol & Drug Addiction Services Board of Lorain County in the amount of \$6,107.60. Some of the charges date back to 2008 and 2009.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Ordinance No. 168-2013 adopted.

Temporary Legislation #10268, AN ORDINANCE AMENDING ORDINANCE NO. 13-2013, AND DECLARING AN EMERGENCY, was read by title only.

In Ordinance No. 13-2013, the City of Sheffield Lake was named in the application for the propane vehicle program. The Law Director recommended that the legislation be amended to remove the name of the City of Sheffield Lake since Sheffield Lake no longer desires to participate in the program. The loan will be used for the propane conversion project which will begin in 2014. Mr. Kos asked for clarification of the loan amount. Mr. Reitz explained that the loan agreement requires eight vehicles to be converted to propane fuel at \$6500 per vehicle, plus \$2000 for advertisement of bids. The overall total for the project is \$54,000.

Temporary Legislation #10269, AN ORDINANCE AMENDING ORDINANCE NO. 170-93 MUNICIPAL INCOME TAX ORDINANCE was read by title only.

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

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10269. The amendment will change the allocation of funds. Five percent will be allocated to the General Bond (Unvoted) Fund and/or Income Tax Capital Improvement Fund in such portions as Council may determine in lieu of the Avon Lake Municipal Utilities Fund.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Ordinance No. 169-2013 adopted.

Temporary Legislation #10270, AN ORDINANCE PROVIDING FOR TRANSFERS BETWEEN FUNDS, 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: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10270. The Finance Director determined certain transfers and adjustments are necessary for the immediate expenses of the City.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Ordinance No. 170-2013 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

From January 1st through January 8th, Mr. Kos's program with Infinity Fitness will be aired on ALCTV. This is a new business at Learwood Square Shopping Center.

Adjournment

Mr. Meiners moved for adjournment.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci
No: None
Absent: Fenderbosch
Motion carried.

Adjournment: 8:20 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council