

VOTING ORDER

L. Meiners
M. O'Donnell
J. Shondel
D. Bucci
J. Fenderbosch
R. James
D. Kos

**CITY OF AVON LAKE
150 AVON BELDEN ROAD
AVON LAKE, OHIO**

The following business is to be considered at the regular meeting of the Avon Lake City Council on November 9, 2015 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.

Approval of Minutes: Council Meeting of October 26, 2015 as prepared and published.

Appointment of a Firefighter/Paramedic

Temporary Legislation #10583, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

Administration of the Oath of Office by Law Director Lieberman

Correspondence

Reports

- Mayor
- Council President
- Public Works Director
- Director of Law
- Director of Finance
- Standing Committees
- Special Committees

Audience Participation

Motions

Authorizing the Mayor to sign a letter of approval for the purchase of Pella windows for the Folger Home in the amount of \$43,692.00 – J. Fenderbosch.

Authorizing the Public Works Director to submit RFQ's for environmental consulting services for North Point Drive, Veterans Memorial Park, and sites located along the Lake Erie shoreline and three natural tributaries draining to Lake Erie – J. Fenderbosch.

Authorizing the expenditure of funds from the Solid Waste Grant – R. James.

Legislation

Third Readings:

Temporary Legislation #10568R, designating the Anson Titus House located at 33350 Lake Road as a historic landmark.

Temporary Legislation #10575, adopting a Public Records Policy.

Second Readings:

Temporary Legislation #10581, authorizing the purchase of an ambulance.→

Temporary Legislation #10582, authorizing the purchase of ambulance equipment.→

First Readings:

Temporary Legislation #10584, supporting a regional plan to improve connectivity of lakefront communities in Lorain County.

Temporary Legislation #10585, providing for the continued defense of the City of Avon Lake in an action filed by James E. Pietrangelo.→

Temporary Legislation #10586, amending Ordinance No. 137-2015 for the purchase of comprehensive insurance coverage.→

Miscellaneous Business and Announcements

Public Input

Adjournment

→Suspension of the rule requiring three readings

BY: Mr. Bucci

TEMP NO: 10583

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF A
FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT,
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and an eligibility list established for such position and the Mayor has submitted to this Council for confirmation an appointment to said position, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the appointment of Cole Eichenlaub to the position of Firefighter/Paramedic in the Fire Department, be, and it is hereby approved and confirmed to serve at the will of Council during his probationary period which is hereby set as one calendar year from the effective date of hire.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Firefighter/Paramedic are shown in the job description for said position adopted by Ordinance No. 132-2011.

Section No. 3: That with Council's present knowledge of Mr. Eichenlaub's experience, ability, and current certifications it has and does fix a bi-weekly Step 1 salary of \$2,060.67 for the position, effective November 10, 2015.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to fully staff the Fire Department to ensure the efficient operation of the Department, thus for the preservation of the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

PASSED: _____ President of Council

POSTED: _____ Approved

ATTEST: _____ Assistant Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10568R

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE ANSON TITUS HOUSE
LOCATED AT 33350 LAKE ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of June 2, 2015, recommended to Council that the Anson Titus House located at 33350 Lake Road, currently owned by Gerry Duff Paine, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Anson Titus House has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, the Anson Titus House was built by Anson Titus who arrived in what is now known as Avon Lake in the early 1830's, and

WHEREAS, seven generations have lived in the home and it is still owned by Anson Titus's descendants, and

WHEREAS, the home was **originally located on the old Indian Trail Road which was along the lake bank north of what is now known as Lake Road.** ~~originally located on the old Lake Road which was along the lake bank.~~ The house was moved south over a basement which has hand hewn beams, and

WHEREAS, the architecture is Greek Revival as is noted in the roof style and wide trim that turns to the east and west side of the house. The siding is the original wood, and

WHEREAS, the Lorain County Preservation Network approved the Anson Titus House as a Lorain County Historic Landmark, and

WHEREAS, historic preservation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake does hereby grant the Anson Titus House located at 33350 Lake Road the designation of Historic Landmark.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No: 3: That this Ordinance shall be in full force and effect from the earliest period allowed by law.

1st reading: 09/28/15

2nd reading: 10/26/15

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

BY: Mr. Bucci

TEMP NO: 10575

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY.

WHEREAS, Council has determined that it is advisable to adopt a public records policy;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL
OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the attached policy is adopted as the public records policy of the City.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 10/13/15

2nd reading: 10/26/15

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor



CITY OF AVON LAKE, OHIO PUBLIC RECORDS POLICY

Pursuant to Subsection 149.43(E)(1) of the Ohio Revised Code, the following shall constitute the public records policy of the City of Avon Lake, Ohio:

Subsection 149.43(B)(1) of the Ohio Revised Code requires that, "Upon request and subject to division (B)(8) of [Section 149.43 of the Ohio Revised Code], all public records responsive to [a public records] request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subsection 149.43(B)(1) of the Ohio Revised Code further requires that, "Subject to division (B)(8) of [Section 149.43 of the Ohio Revised Code], upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time."

For purposes of Section 149.43 of the Ohio Revised Code, the terms "prompt" and "reasonable" shall take into account the volume of records requested, the proximity of the location where the records are stored, the age of such records, the format in which such records are maintained, the necessity for any legal review of the records requested, the number of employees or officials who are primarily responsible for the records requested, and whether such employees or officials are full or part-time and their typical work schedules.

In all other respects, Section 149.43 of the Ohio Revised Code shall constitute the public records policy of the City of Avon Lake, Ohio.

BY: Mr. Kos

TEMP. NO. 10581

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF
AN AMBULANCE FOR THE FIRE DEPARTMENT, AND
DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has entered into a
Cooperative Purchasing Program with the State of Ohio, and

WHEREAS, the State has advertised for bids for the purchase
of an Ambulance and finds that the bid of Excellence, Inc. of
Madison, Alabama to be the lowest and best bid, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the bid by Excellence, Inc. of
Madison, Alabama submitted through the Cooperative Purchasing
Program of the State of Ohio, to supply the City with an
Ambulance for the Fire Department be and it is hereby accepted
and approved in the amount of:

	\$278,069.70
Trade in of (1) 2005 IN4300 chassis and a Road Rescue Module	(\$17,000.00)
Excellance Stock chassis discount if the Stock chassis is used	\$5000.00
Total price:	\$256,069.70

Section No. 2: That upon delivery to this City of the
Ambulance with the proper specifications, to the full
satisfaction of the Fire Chief and Director of Finance, then the
Director of Finance is hereby directed to deliver to Excellence,
Inc. of Madison, Alabama, the warrant of this City in the amount
of \$256,069.70 and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all
formal actions of this Council concerning and relating to the
adoption of this Ordinance were adopted in an open meeting of
this Council and that all deliberations of this Council and any
of its committees which resulted in such formal actions, were in
meetings open to the public, in compliance with all legal
requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of taking advantage of the current prices through the State Purchasing Program before prices are increased, and further to provide the Fire Department with safe, reliable emergency equipment, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 10/26/15

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

BY: Mr. Kos

TEMP. NO. 10582

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF
AMBULANCE EQUIPMENT FOR THE FIRE DEPARTMENT,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has entered into a
Cooperative Purchasing Program with the State of Ohio, and

WHEREAS, the State has advertised for bids for the purchase
of ambulance equipment and finds that the bid of Stryker EMS
Equipment of Portage, Michigan to be the lowest and best bid,
now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the bid by Stryker EMS Equipment of
Portage, Michigan submitted through the Cooperative Purchasing
Program of the State of Ohio, to supply the City with a Power
Pro Ambulance Cot in the amount of \$15,126.30 and a Power Load
System in the amount of \$23,844.56 for the Fire Department be
and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City of a Power
Pro Ambulance Cot in the amount of \$15,126.30 and the Power Load
System in the amount of \$23,844.56 with the proper
specifications, to the full satisfaction of the Fire Chief and
Director of Finance, then the Director of Finance is hereby
directed to deliver to Stryker EMS Equipment of Portage,
Michigan, the warrant of this City in the total amount of
\$38,970.86 and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all
formal actions of this Council concerning and relating to the
adoption of this Ordinance were adopted in an open meeting of
this Council and that all deliberations of this Council and any
of its committees which resulted in such formal actions, were in
meetings open to the public, in compliance with all legal
requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to
be an emergency measure, the emergency being the necessity of
taking advantage of the current prices through the State

Purchasing Program before prices are increased, and further to provide the Fire Department with safe, reliable emergency equipment, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 10/26/15

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. James

TEMP NO: 10584

RESOLUTION NO. _____

A RESOLUTION SUPPORTING A REGIONAL PLAN TO
IMPROVE THE CONNECTIVITY OF LAKEFRONT
COMMUNITIES IN LORAIN COUNTY, AND DECLARING
AN EMERGENCY.

WHEREAS, the City of Avon Lake is in support of the Lorain County Board of Commissioners (LCBC) submitting an application, in partnership with the Lorain County Metro Parks (LCMP), to the Northeast Ohio Areawide Coordinating Agency (NOACA) for funding through the Transportation for Livable Communities Initiative (TLCI) to create a regional plan to improve the connectivity of lakefront communities located in Lorain County with Lake Erie and the LCMP, and

WHEREAS, although the TLCI Program normally requires a 20% match, this application requires no match for planning projects that integrate transportation and land use planning, promote livability, and advance the goals of NOACA's long-range transportation plan for northeast Ohio, and

WHEREAS, TLCI planning grants are used to support activities that facilitate and promote sustainable development, multimodal transportation, and complete and green streets, and

WHEREAS, TLCI planning grants enhance regional cohesion through partnerships of multiple local agencies and cross jurisdictional boundaries and promote coordination of the regional transportation system, and

WHEREAS, TLCI planning grants support economic development through place-based transportation and land use recommendations, and connect these proposals with existing assets and investment, and

WHEREAS, the City of Avon Lake agrees to provide facilities and host meetings in the community in support of developing the regional plan, and

WHEREAS, the City of Avon Lake agrees to provide plans and materials already developed that could be included in developing a regional plan, and

WHEREAS, the City of Avon Lake agrees to provide direction, ideas, and support in developing a regional plan, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the City of Avon Lake's support is given to LCBC in the submission of the application for the TLCI grant and, if funding is granted, will assist LCBC in performing the work listed in this Resolution.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Resolution is hereby declared to be an emergency measure in order to submit this Resolution in a timely manner to show support for funding to improve Lorain County lakefront communities to enhance recreational use, and to further economic development, thus for public welfare. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10585

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE CONTINUED
DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION
FILED BY JAMES E. PIETRANGELO, II, AND
DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake wishes Porter, Wright, Morris and Arthur LLP to continue to act as co-counsel in the defense the City in an action filed by James E. Pietrangelo, II, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the law firm of Porter, Wright, Morris and Arthur LLP is hereby authorized and directed to continue to defend and prepare on behalf of the City of Avon Lake and its departments and employees the legal proceedings necessary in connection with an action filed by James E. Pietrangelo, II against the City of Avon Lake.

Section No. 2: That Margaret Koesel and Tracey Turnbull of Porter, Wright, Morris and Arthur, LLP, Special Assistant Law Directors for this matter, are authorized to continue in the defense of the City of Avon Lake.

Section No. 3: That the necessary expenses for said representation be paid upon approval voucher submitted therefore, in an amount not to exceed \$70,000.00.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of preparing and filing the necessary legal proceedings in a timely manner to defend the City and uphold the laws and regulations of the City, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Assistant Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10586

ORDINANCE NO. _____

AN ORDINANCE AMENDING Ordinance No 137-2015,
AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that Ordinance No.
137-2015 needs to be amended, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That Ordinance No. 137-2015 is hereby
amended as follows:

Section No. 1: That there is hereby awarded to Arthur
J. Gallagher a contract for the purchase of insurance
coverage commencing November 1, 2015 for a total annual
premium of ~~\$113,443.00~~ **\$113,966.00**

Section No. 2: That it is found and determined that
all formal actions of this Council concerning and relating
to the adoption of this Ordinance were adopted in an open
meeting of this Council and that all deliberations of this
Council and any of its committees which resulted in such
formal actions, were in meetings open to the public, in
compliance with all legal requirements, including Section
121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared
to be an emergency measure, the emergency being the
necessity of amending an ordinance to reflect the correct
insurance premium amount in order for the invoice to be
paid and continue insurance coverage. Therefore, this
Ordinance shall be in full force and effect immediately
upon passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor