

VOTING ORDER

L. Meiners
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 April 13, 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: March 23, 2015 Regular Council Meeting as prepared and published.

Appointment of a Lieutenant in the Fire Department

Temporary Legislation #10495, confirming the appointment of a Lieutenant in the Fire Department.→

Administration of the Oath of Office to Jeremy Betsa by Law Director Lieberman.

Adjournment to the Collective Committee Meeting

Reconvening of Council Meeting

Correspondence

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

Audience Participation

Motions

Instructing 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 stock transfer for Buffalo Wild Wings – D. Kos.

Accepting the resignation of Ellyn Nicholas, Sports and Special Events Coordinator, effective April 16, 2015 – D. Bucci.

Legislation

Third Readings:

Temporary Legislation #10476R, establishing the salaries of members of Council.

Temporary Legislation #10478, enacting Chapter 662 of the Codified Ordinances to provide for the recovery of costs to respond to nuisance activities.

Temporary Legislation #10479R, fixing a pay range for Avon Lake Regional Water Inspectors.

Second Readings:

Temporary Legislation #10482, establishing holiday pay for part-time Police Officers and part-time Police Dispatchers.

Temporary Legislation #10483, fixing a pay range for Dial-a-Bus Van Drivers.

Temporary Legislation #10492, approving the editing and amendments to the Avon Lake Codified Ordinances.→

First Readings:

Temporary Legislation #10496, approving the re-subdivision plat for 109 Brookfield Road.

Temporary Legislation #10497, approving a conditional use site plan for water storage wells and pumping facility at 33370 Lake Road.

Temporary Legislation #10498, repealing Section 288.04 of the Codified Ordinances pertaining to the City's Public Records Policy.

Temporary Legislation #10499, approving the transfer of funds.→

Miscellaneous Business and Announcements

Public Input

→Suspension of the rule requiring three readings

Executive Session

In compliance with Ohio Revised Code Section 121.22, Council will adjourn to Executive Session to discuss pending and imminent litigation.

Reconvening of Council Meeting

Adjournment

→Suspension of the rule requiring three readings

BY: Mr. Bucci

TEMP NO. 10495

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF
JEREMY BETSA AS LIEUTENANT IN THE AVON LAKE
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 the results certified; that accordingly the Fire Chief has requested an appointment pursuant to the rules and regulations of the Commission; 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 appointment of Jeremy Betsa to the position of Lieutenant in the Fire Department, be and he is hereby approved and confirmed, subject to the Rules and Administrative Code provisions of the Codified Ordinances, effective April 14, 2015.

Section No. 2: That the duties and responsibilities to be performed and undertaken by a Lieutenant in the Fire Department shall be those set forth for such position in Ordinance No. 126-2014.

Section No. 3: That with Council's present knowledge of Mr. Betsa's experience and ability, it does hereby fix a salary of \$3,000.87/bi-weekly for the position.

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 filling a vacancy in the Fire Department to ensure the efficient

operation of the Department, 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.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Shondel

TEMP NO: 10476R

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE SALARIES OF MEMBERS OF COUNCIL OF THE MUNICIPALITY OF AVON LAKE, OHIO IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL CHARTER.

WHEREAS, Section 7 of the Avon Lake Charter, provides for City Council to fix the salary of its members by the first day of June of each year, and

WHEREAS, after comparing the compensation provided to Council members in comparable municipalities, the Human Resources Committee has determined that the salaries of members of Council ought to be increased, now therefore;

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

Section No. 1: That from and after the first day of January 2016 and thereafter until modified by Council in accordance with the provisions of the Charter of the Municipality of Avon Lake, Ohio, the salary of each Council member of the municipality shall be \$12,000 per annum, payable as outlined in Section 7 of the Avon Lake Municipal Charter.

Section No. 2: That from and after the first day of January 2016 and thereafter until modified by Council, the member of Council who has been chosen as President by the Council, as provided for in Section 8A of the Municipal Charter, shall in addition to the regular compensation as a member of Council be paid an additional compensation of \$2000.00 per annum, payable as outlined in Section 7 of the Avon Lake Charter.

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 shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 03/09/15
2nd reading: 03/23/15
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

ORDINANCE NO. _____

AN ORDINANCE ENACTING CHAPTER 662 OF THE CODIFIED ORDINANCES TO PROVIDE FOR THE RECOVERY OF COSTS TO RESPOND TO AND ABATE NUISANCE ACTIVITIES.

WHEREAS, certain properties in the City have a history of nuisance activities;

WHEREAS, it costs the City money to respond to and abate nuisance activities; and

WHEREAS, Council desires to enact legislation to provide for the recovery of the cost of responding to and abating nuisance activities with respect to properties that have a history of nuisance activities;

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

Section No. 1: That there is hereby enacted Chapter 662 of the Codified Ordinances of the City of Avon Lake to read as follows:

**CHAPTER 662
Nuisance Properties**

662.01 DEFINITION OF NUISANCE PROPERTY.

The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, invitee or the person or entity in charge of such residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances and are hereinafter referred to as "Nuisance Activities" and individually as a "Nuisance Activity":

- (a) Misdemeanor Nuisance Activity: Any conduct, activity, violation or offense that is a misdemeanor under either the Codified Ordinances or the Ohio Revised Code.
- (b) Felony Nuisance Activity: Any conduct, activity, violation or offense that is a felony under the Ohio Revised Code.

For purposes of this chapter, the occurrence of a Nuisance Activity means either a citation has been issued, or an arrest has been made, or a conviction has been obtained, or a City Department or Administrator, including, but not limited to, Police, Fire, Zoning, Building or Public Works, has documented the activity in lieu of arrest or citation.

662.02 INITIATION OF NUISANCE DECLARATION PROCESS.

The Safety Director or his or her designee, upon finding that two or more Misdemeanor Nuisance Activities or any one Felony Nuisance Activity have occurred within a twelve-month period, may cause a written notice (the "Warning Notice") to be served on the owner of the property. The Warning Notice shall state that if a third Misdemeanor Nuisance Activity or any additional Felony Nuisance Activity occurs within a twelve-month period of the first Nuisance Activity, such property may be declared a Nuisance Property. The Warning Notice shall describe the nature of the Nuisance Activities and shall further state that the City may assess the costs of responding to and/or abating a Nuisance Activity on a property declared a Nuisance Property on the Nuisance Property. The Warning Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

662.03 NUISANCE DECLARATION.

If a third Misdemeanor Nuisance Activity or an additional Felony Nuisance Activity occurs after service of a Warning Notice and within twelve months after the first Nuisance Activity described in the Warning Notice, then the Safety Director or his or her designee may declare the property to be a "Nuisance Property" under this chapter by serving notice of such declaration (the "Declaration Notice") to the owner of the Nuisance Property. Once a property has been declared a Nuisance Property, the cost of responding to and/or abating any additional Nuisance Activity may be assessed on the Nuisance Property. The costs shall be calculated as set forth in Section 662.05. The City shall provide notice to the owner of the Nuisance Property to pay the costs of response or abatement at least thirty (30) days before such costs are certified to the County Auditor for assessment against the Nuisance Property, and such notice shall contain a description of the Nuisance Activity that is the basis for the notice of intent to assess the Nuisance Property, and the costs to respond and/or abate. If the costs are not paid within thirty (30) days of the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected, or the City may seek recovery of such costs by civil action. Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

662.04 APPEAL.

The owner of a Nuisance Property who receives a Declaration Notice may appeal such notice by submitting to the Safety Director within thirty (30) days of the date of the Declaration Notice a written request that the Declaration Notice be rescinded. The Safety Director or his designee shall deny the request to rescind if he determines that a preponderance of the evidence shows that each Nuisance Activity stated in the Declaration Notice has occurred, and that the declaration of the property as a Nuisance Property is justified. If a Nuisance Activity has been evidenced by a criminal conviction, then it shall be per se proof that the Nuisance Activity has occurred.

The declaration of the property as a Nuisance Property shall not be justified if the owner demonstrates by a preponderance of evidence that:

- (a) He or she was not the owner at the time of any Nuisance Activity that is a basis of the Declaration Notice; or
- (b) He or she had knowledge of the Nuisance Activity, but has promptly and vigorously taken all actions necessary to abate each Nuisance Activity including, without limitation, compliance with the requirements of Ohio R.C. 5321.04(A)(9) and 5321.17(C); or
- (c) He or she had no knowledge of the Nuisance Activity and could not with reasonable care and diligence, have known of the Nuisance Activity; and upon receipt of the notice of the Declaration Notice, he or she promptly took all actions necessary to abate the nuisance including without limitation, compliance with the requirements of Ohio R.C. 5321.04(A)(9) and 5321.17(C).

The failure of the Safety Director or his or her designee to rescind the Declaration Notice or deny the request to rescind within twenty (20) days after receipt of the request to rescind shall constitute a denial of the request to rescind the Declaration Notice. Any such appeal shall not stay any action by the City to abate any Nuisance Activity.

662.05 CALCULATION OF COSTS.

Costs of response and abatement shall be the actual cost based upon expenses and the hourly wage of any personnel involved in the response to or abatement of the Nuisance Activity.

662.06 OTHER REMEDIES.

The declaration of a Nuisance Property, an order to abate a nuisance, or the assessment of costs by the City on a Nuisance Property, does not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances. The remedies provided in this chapter are not in limitation of any other remedies the City may have.

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: 3/09/15

2nd reading: 3/23/15

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP NO: 10479R

ORDINANCE NO. _____

AN ORDINANCE FIXING A PAY RANGE FOR
AVON LAKE REGIONAL WATER INSPECTORS,
AND DECLARING AN EMERGENCY.

WHEREAS, the Avon Lake Board of Municipal Utilities approved maximum pay for the Avon Lake Regional Water Inspectors, and

WHEREAS, pursuant to Section 12 of the Avon Lake Charter, entitled Salaries and Pay of Officers and Employees, Council shall fix all salaries and rates of compensation, now therefore;

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

Section No. 1: That the following pay range is hereby fixed effective January 1, 2015.

Pay Range

AVON LAKE REGIONAL WATER INSPECTOR \$16.00-\$26.00 per hour

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 fixing a pay range for the Avon Lake Regional Water Inspectors to be in compliance with the provisions of the Avon Lake Charter. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 3/09/15
2nd reading: 3/23/15
3rd reading:

PASSED: _____ President of Council

POSTED: _____ Approved

ATTEST: _____ Clerk of Council
Mayor

BY: Mr. Bucci

TEMP NO: 10482

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING HOLIDAY PAY FOR THE POSITIONS OF PART-TIME POLICE OFFICERS AND PART-TIME DISPATCHERS IN THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Police Chief and the Human Resources Committee of Council that holiday pay be set for the positions of part-time Police Officers and part-time Dispatchers in the Avon Lake Police Department, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put it into effect, now therefore;

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

Section No. 1: That part-time Police Officers and part-time Dispatchers in the Avon Lake Police Department shall be compensated at a pay rate of one and one-half times their basic hourly rate when working on the following holidays:

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Labor Day	

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 to properly compensate Police Department personnel. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 3/23/15

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP NO: 10483

ORDINANCE NO. _____

AN ORDINANCE FIXING A PAY RANGE FOR
DIAL-A-BUS VAN DRIVERS IN THE PUBLIC WORKS
DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Public Works Director and the Human Resources Committee have recommended a pay range for Dial-a-Bus Van Drivers in the Public Works Department, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put into effect, now therefore;

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

Section No. 1: That the following pay range is hereby fixed as follows:

	<u>Pay Range</u>
Dial-a-Bus Van Driver	\$14.00-\$16.00 per hour

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 fixing a pay range for the position of Dial-a-Bus Van Driver to attract competent drivers in order to continue this important service to the residents of Avon Lake, 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: 3/23/15
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (December 31, 2012) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

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

Section No. 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
43-2014	4-14-14	208.01, 220.02, 220.03, 220.05, 220.11, 244.01, 244.03, 258.04, 260.02, 260.04, 260.05, 260.075, 260.10, 260.16, 274.02, 278.05, 297.02, 412.07, 668.01, 1010.02, 1010.03, 1010.06, 1010.11, 1018.02, 1022.03, 1058.02, 1058.05, 1058.06, 1058.08, 1058.12, 1060.02, 1060.06, 1061.02, 1061.07, 1061.13-1061.15, 1065.02, 1065.05, 1065.07, 1065.08, 1065.11, 1070.03, 1070.05, 1090.04-1090.06, 1090.09-1090.11, 1096.01, 1216.05, 1222.13-1222.15, 1240.06, 1240.11, 1430.01, 1442.01, 1442.05, 1442.06, 1490.03
79-2014	7-9-14	208.01
104-2014	7-14-14	618.12
105-2014	8-25-14	1212.03, 1240.06, 1242.02, 1250.04
114-2014	9-8-14	440.01, 1014.04, 1065.05, 1090.09
133-2014	10-27-14	274.02

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
147-2014	11-24-14	260.08
153-2014	12-8-14	1268.03
154-2014	12-8-14	1268.06

Section No. 2: That the following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

436.071, 436.074, 438.18, 606.12, 624.01, 636.04, 636.045, 636.05, 636.20, 642.01, 642.02, 642.19, 642.24, 666.08, 666.21, 698.02

Section No. 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to Decemember 31, 2014.

Section No. 4: That pursuant to Ohio R.C. 731.23 and 731.25 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance and a summary of the new matters covered by it, which summary is attached to this ordinance as Exhibit A, for a period of not less than fifteen days in the five public places as required by law.

Section No. 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety within the City of Avon Lake, the emergency arising because of the need to have an up-to-date codification of the legislation of the City, consistent with the City Charter and with State law, with which to administer the affairs of the City, enforce law and order and avoid practical and legal entanglements. Therefore, this ordinance, and the 2015 Replacement Pages for the Codified Ordinances hereby approved, adopted and enacted, shall take effect immediately upon its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Mayor

1st reading: 3/23/15
2nd reading:
3rd reading:

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2014 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF AVON LAKE, OHIO

New matter in the Codified Ordinances of Avon Lake, Ohio, as contained in the 2014 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
436.071	Driving under suspension or in violation of license restriction.
436.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
438.18	Focus and aim of headlights.
606.12	Failure to report a crime or death.
624.01	Definitions relating to drugs.
636.04	Aggravated menacing.
636.045	Menacing by stalking.
636.05	Menacing.
636.20	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.19	Securing writings by deception.
642.24	Determining property value in theft offense.
666.08	Soliciting.
666.21	Unlawful advertising of massage.
698.02	Penalties for misdemeanor.

BY: Mrs. Fenderbosch

TEMP NO: 10496

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RE-SUBDIVISION
PLAT FOR 109 BROOKFIELD ROAD, AND DECLARING
AN EMERGENCY.

WHEREAS, there has been submitted to and approved by the Planning Commission of the City of Avon Lake on April 7, 2015, the re-subdivision plat to subdivide three parcels of land and combine them to make two buildable lots, and

WHEREAS, the re-subdivision plat for 109 Brookfield Road has now been submitted to this Council for its consideration and approval, and

WHEREAS, Council has examined said re-subdivision plat and has been advised by the Public Works Director and Planning Commission that it complies with the requirements of this Municipality, now therefore;

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

Section No. 1: That the re-subdivision plat to subdivide three parcels of land and combine them to make two buildable lots be and the same is hereby approved. The Clerk of Council is authorized to sign the plat accordingly.

Section No. 2: That upon certification by the Public Works Director, Council finds that all inspections and engineering fees have been paid and all improvements have been installed as required by the Subdivision Code.

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 approving the re-subdivision plat for the project to move forward and avoid a hardship that would otherwise be caused by the delay resulting from Council's summer recess, thus for the public

welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10497

ORDINANCE NO. _____

AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR WATER STORAGE WELLS AND A PUMPING FACILITY AT 33370 LAKE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of April 8, 2015, recommended the approval of a Conditional Use Site Plan to construct water storage wells and a pumping facility at 33370 Lake Road, and

WHEREAS, Planning Commission approved said plan with the condition that a landscaping plan be approved by the Planning Commission Secretary prior to construction, now therefore;

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

Section No. 1: That after approval by Planning Commission and review by this Council, Council hereby confirms the recommendation of approval by Planning Commission of a Conditional Use Site Plan to construct water storage wells and a pumping facility at 33370 Lake Road.

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 an emergency measure, the emergency being the necessity of improving the Avon Lake Regional Water system to continue to offer optimal sewer and water services, thus for the health, safety, and welfare of the residents of Avon Lake. 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: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP NO: 10498

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 288.04 OF THE
CODIFIED ORDINANCES PERTAINING TO THE CITY'S
PUBLIC RECORDS POLICY.

WHEREAS, Section 288.04 of the Codified Ordinances of the
City governs the availability of public records of the City, and

WHEREAS, Section 149.43 of the Ohio Revised Code also
governs the availability of public records, and

WHEREAS, the inconsistencies lead to confusion, and

WHEREAS, it is unnecessary to have a separate city ordinance
addressing the availability of public records, now therefore;

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

Section No. 1: That Section 288.04 of the Codified
Ordinances of the City is hereby repealed.

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:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10499

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Finance Director that certain transfers of funds are needed, now therefore;

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

Section No. 1: That the following transfers be executed for the month of April:

From 204	Income Tax Transfer Fund	\$812,500.00
To 101	General Fund	\$609,375.00
To 207	Income Tax Capital Improvement Fund	\$162,500.00
To 301	Bond Retirement (Unvoted) Fund	\$ 40,625.00

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 transferring funds for the current and necessary expenses of the City of Avon Lake, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____ Council President

POSTED: _____ Approved

ATTEST: _____ Clerk of Council Mayor