

**VOTING ORDER**

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

**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 27, 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: April 13, 2015 Regular Council Meeting as prepared and published.**

**Public Hearing: Upon historical designation of the Dunning Home located at 240 Jaycox Road.**

**Correspondence**

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

**Audience Participation**

**Motions**

Accepting a donation from C & S Photography in the amount of \$723.56 – M. O'Donnell.

Accepting a donation from the CYO in the amount of \$300.00 – M. O'Donnell.

Accepting the retirement of Fred Berner, Firefighter/Paramedic, effective July 5, 2015 – D. Bucci.

**Authorizing a contract with Zambelli Fireworks for an amount not to exceed \$14,000 pending approval by the Law Director– M. O'Donnell.**

**Authorizing a contract with Thomas Reuters (Westlaw) for legal services in the amount of \$10,117.68 – L. Meiners.**

### **Legislation**

#### **Third 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.**

#### **Second Readings:**

**Temporary Legislation #10488, designating the Dunning Home located at 240 Jaycox Road as a historic landmark.**

**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.**

#### **First Reading:**

**Temporary Legislation #10500, authorizing a contract with GO2IT for computer services.→**

### **Miscellaneous Business and Announcements**

#### **Public Input**

#### **Executive Session**

**In compliance with Ohio Revised Code Section 121.22, Council will adjourn to Executive Session to discuss the purchase of property.**

### **Reconvening of Council Meeting**

#### **Adjournment**

→Suspension of the rule requiring three readings

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.

1<sup>st</sup> reading: 3/23/15  
2<sup>nd</sup> reading: 4/13/15  
3<sup>rd</sup> 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.

1<sup>st</sup> reading: 3/23/15  
2<sup>nd</sup> reading: 4/13/15  
3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10488

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE DESIGNATING THE DUNNING HOME LOCATED AT 240 JAYCOX ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of March 3, 2015 recommended to Council that the Dunning Home located at 240 Jaycox Road, currently owned by Tom and Glendalee Burns, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Dunning Home located at 240 Jaycox Road has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, this property was part of a 150 acre land grant deeded in 1843 which ran from Walker Road to the northern point at 240 Jaycox Road, and

WHEREAS, according to tax records, there has been a house on this property since 1851, and

WHEREAS, the Dunning Home has historical landmark registration from the Lorain County Historical Society and the Ohio Historical Society, 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 Dunning Home located at 240 Jaycox 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.

1<sup>st</sup> reading: 3/23/15

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

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.

1<sup>st</sup> reading: 4/13/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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.

1<sup>st</sup> reading: 4/13/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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.

1<sup>st</sup> reading: 4/13/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10500

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AWARDDING A CONTRACT TO GO2IT  
GROUP FOR THE VIRTUAL SERVER PROJECT,  
AND DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake City Charter, entitled Competitive Bidding, authorizes the expenditure of funds without public bidding for "personal services" as defined in the Charter, and

WHEREAS, the City of Avon Lake desires to retain the personal services of GO2IT Group for IT managed services for the installation of the virtual server project, and

WHEREAS, GO2IT Group has arranged to buy the equipment for the virtual server project from CDW-G through the State Purchasing Program, now therefore;

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

Section No. 1: That the Mayor is hereby authorized and directed to enter into an agreement with GO2IT Group of Westlake, Ohio, for IT managed services for the virtual server project in an amount not to exceed \$14,745.00. Additionally GO2IT shall provide the equipment for the virtual server project from CDW-G through the State Purchasing Program in an amount not to exceed \$36,265.04. Upon completion of said project to the satisfaction of the Director of Finance, he is hereby directed to deliver to GO2IT Group the warrant of this City and to cause said warrant to be paid.

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 providing the employees of the City of Avon Lake with an improved computer server system so they can perform their duties efficiently and maintain the optimal operation of City

departments, 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