

VOTING ORDER

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

**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 February 8, 2016 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: January 25, 2016 Regular Council Meeting as prepared and published.

Correspondence

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

Audience Participation

Motions

Appointing Tom Harmon to the Affirmative Action Committee effective February 9, 2016 for a term expiring December 31, 2017 – J. Shondel.

Appointing Marty Patton to the Environmental Affairs Advisory Board effective February 9, 2016 – J. Shondel.

Approving a reassignment of the Folger Home lease to Heritage Avon Lake – R. James.

Approving an amendment to the contractors insurance for the Folger Home – R. James.

Authorizing the advertisement of bids for the Lear Road/Krebs Road Intersection Project – R. James.

Authorizing the advertisement of bids for the 2016 Miller Road Park Sand Dredging Project – R. James.

Authorizing the advertisement of bids for the 2016 Park Fertilization Project – R. James.

Authorizing the advertisement of bids for the 2016 Street Program – R. James.

Authorizing the advertisement of bids for the 2016 Street Tree Planting Project – R. James.

Legislation

Second Readings:

Temporary Legislation #10619, authorizing a personal services agreement with CDM Engineering for the Stormwater Master Plan Update.→

Temporary Legislation #10620, adopting a job description for the position of Fire Inspector.→

Temporary Legislation #10621, adopting a job description for the position of City Prosecutor.

Temporary Legislation #10623, authorizing the purchase of a Ford Explorer for the Fire Department.→

First Readings:

Temporary Legislation #10626, authorizing the Mayor to enter into a cooperative agreement with the City of Avon for the resurfacing of State Route 83.→

Temporary Legislation #10627, confirming the appointment of the Recreation Director.→

Temporary Legislation #10628, confirming the appointment of Stephanie Biggers, Production Coordinator.→

Temporary Legislation #10629, amending Codified Ordinance Section 274.02, regarding the Environmental Affairs Advisory Board membership.→

→Suspension of the rule requiring three readings

Temporary Legislation #10630, amending Ordinance No. 104-2015, providing for a salary increase for non-bargaining unit personnel.→

Temporary Legislation #10631, adopting a job description for the position of Economic Development Director.

Temporary Legislation #10632, authorizing the Mayor to execute a personal services agreement for professional environmental consulting.

Temporary Legislation #10633, amending Codified Ordinance Section 840.04 (d) regarding solicitation during certain hours.

Temporary Legislation #10634, authorizing an expenditure for vehicle changeover for the Police Department.→

Temporary Legislation #10635, authorizing the purchase of a Ford Focus for the Zoning Administrator.

Temporary Legislation #10636, approving a conditional use/change of use for a storage facility at 294 Avondale Avenue.

Temporary Legislation #10637, amending the Planning & Zoning Code with the addition of Section 1260.10 regarding farmers markets.

Miscellaneous Business and Announcements

Public Input

Adjournment

BY: Mrs. Fenderbosch

TEMP NO: 10619

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
A PERSONAL SERVICE AGREEMENT WITH CDM ENGINEERING,
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's Stormwater Master Plan, Phase 1 was updated in 2012, and

WHEREAS, the City of Avon Lake desires to retain the personal services of CDM Engineering for Phase 2, Part 2a and Part 2b of the Avon Lake Stormwater Master Plan update to include models for Gable Creek and Heider Creek drainage areas, 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 CDM Engineering, of Cleveland, Ohio, for the purpose of retaining personal services to update the Avon Lake Stormwater Master Plan to include models for Gable Creek and Heider Creek drainage areas. The Agreement shall state among its terms that the cost of said personal services shall not exceed \$250,000.00.

Section No. 2: That upon completion of said personal engineering services in conformance with the guidelines and scope of work as heretofore set forth, and to the satisfaction of the Public Works Department, the Director of Finance is hereby directed to deliver to CDM Engineering the warrant of this City in an amount not to exceed \$250,000.00 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 retaining services for updating the Avon Lake Stormwater Master Plan to create models for drainage areas to prevent future flooding and further to be in compliance with EPA mandates to ensure the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

1st reading: 1/25/16

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Shondel

TEMP NO: 10620

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FIRE INSPECTOR FOR THE AVON LAKE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the administration and the Human Resources Committee that a job description for the position of Fire Inspector for the Avon Lake Fire Department be adopted, now therefore;

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

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Fire Inspector for the Avon Lake Fire Department shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

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 in order to adequately staff the Fire Department to bring optimal services to the residents of Avon Lake, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 1/25/16
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description
Part - time Fire Inspector

Job Title: Fire Inspector

Department: Avon Lake Fire Department

Immediate Supervisor: Assistant Chief

Positions Supervised: NA

FLSA Status: Non-Exempt

Bargaining Unit: NA

Civil Service Status: Unclassified

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. The specifications are not intended to reflect all duties performed within the job.

GENERAL RESPONSIBILITIES:

Perform fire inspections, and other duties assigned to the fire prevention bureau.

GENERAL QUALIFICATIONS:

- High school diploma or GED
- Valid State of Ohio driver's license
- Valid State of Ohio Emergency Medical Technician certification
- Valid State of Ohio Certified Fire Safety Inspector certification

GENERAL DUTIES

The following duties are typical for this classification. Employees may not perform all of the listed duties and may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

Essential Functions

CITY OF AVON LAKE
Position Description
Part - time Fire Inspector

Follow all rules, regulations, policies, procedures and directives; receive and relay telephone calls.

Perform inspections of commercial and industrial businesses

Perform planning and building reviews

Participate in fire drills; present talks and programs to the community on safety, medical and fire prevention topics.

Coordinate PSA announcements for cable television

Plan and coordinate fire prevention week activities with Avon Lake schools

Plan and coordinate annual "Big Trucks" open house event.

Maintain Occupancy Records.

Obtain pre-fire planning information.

Complete any other assigned tasks as directed by superior officers.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

The job description does not constitute an employment agreement between the City of Avon Lake and the employee and is subject to change by the City as the needs of the City and the requirements of the job change.

Knowledge of rules, regulations and standard operating guidelines of the fire department.

Ability to understand and follow verbal and written instructions.

Ability to continue professional growth throughout career.

Ability to assist in educating the public in fire and life safety.

CITY OF AVON LAKE

Position Description

Part - time Fire Inspector

PHYSICAL AND MENTAL DEMANDS

The physical demands described here are representative of those that must be met by a Fire Inspector to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Average activity for routine work. When fulfilling primary function Fire Safety Inspector, physical activity includes climbing, walking, crawling, lifting and reaching in businesses and industry and sometimes in inclement weather; close visual application and attention to detail; ability to reason and learn. While performing the duties of this job, the employee is frequently required to stand, walk, use hands and fingers to feel, handle, or operate objects, tools or controls; reach with hands and arms. Occasionally required to climb, balance, stoop, kneel, crouch, crawl, talk, hear, taste and smell. Vision abilities include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those that a Fire Inspector encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is often performed in inclement weather, hazardous and stressful conditions including smoke and gas filled environments, high places, confined areas, extreme heat and cold, high noise levels,. The employee occasionally works near moving mechanical parts in high, precarious places and is occasionally exposed to wet and/or humid conditions, risk of electrical shock and vibration.

BY: Mr. Shondel

TEMP NO: 10621

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CITY PROSECUTOR FOR THE AVON LAKE MUNICIPAL COURT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the administration and the Human Resources Committee that a job description for the position of City Prosecutor for the Avon Lake Municipal Court be adopted, now therefore;

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

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of City Prosecutor for the Avon Lake Municipal Court shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

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 in order to adequately staff the Municipal Court, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 1/25/16
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description

City Prosecutor
(Part-time)

January 2016

Job Title: City Prosecutor

Department: Law Department

Immediate Supervisor: Law Director

Positions Supervised: This position is not supervisory in nature

FLSA Status: Non-Exempt

Bargaining Unit: N/A

Civil Service Status: Non-Classified

General Responsibilities:

Under the direction of the Law Director, the City Prosecutor is primarily responsible for performing professional legal work in preparing and prosecuting criminal cases in the Avon Lake Municipal Court and appellate courts, this position has a high degree of autonomy and works directly with the Police Department and the courts. The position is on call, 24/7(at times) and is expected to assist law enforcement personnel, as needed at any time of the day. Work must be performed in a timely manner utilizing independent judgment and initiative. May need to be available occasionally for evening meetings.

General Qualifications:

- Graduation with a Juris Doctorate (or equivalent) from an accredited school of law;
- Active license to practice law in the State of Ohio; in good standing with no discipline;
- Must be a member in good standing of the bar of the State of Ohio;
- Demonstrated courtroom and trial experience and a minimum of three years' experience as a prosecuting or criminal defense attorney;

- Demonstrated adherence to appropriate rules of professional and ethical conduct as set forth in the Ohio Rules of Professional Conduct, or as otherwise prescribed by law or generally accepted professional standards;

SPECIFIC DUTIES

(Illustrative only: The listed functions may not include all of the tasks which may be performed).

- Makes charging decisions following review and evaluation of evidence in light of applicable law;
- Participates in pretrial hearings, and appeals;
- Prepares cases for trial and negotiates plea agreements. Interviews witnesses, victims, and law enforcement officers, and presents arguments in court; appears in the Avon Lake Municipal Court and appellate courts representing the State of Ohio and the City of Avon Lake, and presents evidence and arguments before a judge and/or jury; confers with defense attorneys and/or witnesses in disputed cases and negotiates plea agreements when it is appropriate to do so;
- Prepares written motions, pleadings, arguments, briefs, and other memoranda;
- Reviews evidence in preparing cases for trial;
- Defends and pursues appeals of trial decisions in the court of appeals and Supreme Court of Ohio as necessary;
- Provides training and education for the police or departments charged with the enforcement of laws;
- Participates in ongoing legal education to remain up-to-date on criminal law and to maintain law license;
- In consultation with the Law Director and Director of Public Safety, develops enforcement objectives and priorities for the City;
- Advises the Mayor, City Council, and the Board of Municipal Utilities on criminal matters;
- Assists City Council in drafting legislation relative to criminal laws;
- Prepares annually a report on City criminal prosecution for the Safety Committee of City Council;
- Performs other work as required or assigned.

Required Knowledge, Skills, & Abilities

- Ability to analyze, evaluate, and organize facts, evidence, and precedents in difficult and complex cases;
- Ability to persuasively present material in a clear and logical form, both orally and in writing;

- General knowledge of prosecutorial duties;
- General knowledge of criminal law and procedure; constitutional doctrines regarding the conduct of the Police under the First, Second, Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution; and under Article 1, Section 10 of the Ohio Constitution;
- General knowledge of the specific provisions of the Ohio Revised Code and the City's Codified Ordinances regarding criminal and traffic violations. General knowledge of the criminal and traffic ordinances/resolutions that the City Prosecutor is obligated to prosecute.
- General knowledge of federal, state, and local laws regarding the rights of crime victims in misdemeanor cases;
- General knowledge of state and local laws regarding OVI enforcement and procedures relating to administrative license suspensions;
- General knowledge of all stages of the criminal justice system, municipal government, court procedures, and applicable rules;
- Demonstrated ability to use computer software and hardware related to the performance of the essential functions of the job. This includes, without limitation, word processing and case management software and electronic presentation hardware AND SOFTWARE;
- General knowledge of judicial procedures, rules of evidence, and methods of legal research and writing;
- Ability to complete assignments on time with good time management and organizational skills;
- Ability to establish and maintain effective working relationships with other employees, co-workers, law enforcement members, judges, elected municipal officials, and the public.

The job description does not constitute an employment agreement between the City of Avon Lake and the employee, and is subject to change by the City as the needs of the City and the requirements of the job change.

BY: Mr. Kos

TEMP NO: 10623

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF A FORD EXPLORER 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 a 2016 Ford Explorer and finds that the bid of Statewide Ford of VanWert, Ohio 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 Statewide Ford of VanWert, Ohio submitted through the Cooperative Purchasing Program of the State of Ohio, to supply to the City with a 2016 Ford Explorer up to the amount of \$36,638.00, be and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City with the proper specifications, to the full satisfaction of the Fire Chief and the Director of Finance and accompanied by Title Certificate showing said vehicle to be free and clear of any and all liens and encumbrances and titled in the City of Avon Lake, then the Director of Finance is hereby directed to deliver to Statewide Ford of VanWert, Ohio the warrant of this City up to the amount of \$36,638.00 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 providing the Fire Department with a safe and reliable vehicle in order that they may promptly, safely and efficiently perform their duties and further to take advantage of the State Purchasing Program since a limited number of vehicles are available, 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: 1/25/16

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. James

TEMP NO: 10626

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON FOR THE RESURFACING OF STATE ROUTE 83 FROM DETROIT ROAD TO LAKE ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) Board of Directors passed Resolution 2014-013 titled "Provisional Transportation Asset Management Policy" at its April 11, 2014 Board Meeting, and

WHEREAS, the stated intent of the Provisional Transportation Asset Management Policy is to advance projects for funding that have been prioritized by NOACA's Regional Pavement Management System (RPMS) with input from the affected communities to consider factors such as project readiness, multimodal use, economic development, and access to community job centers. RPMS uses a benefit analysis based on average daily traffic, pavement condition ratings, functional classifications, and various connectivity factors. The result was a selection of a list of resurfacing projects by NOACA for funding in fiscal year 2016 that met the criteria, and

WHEREAS, one of the projects selected by NOACA for participation in the program is the asphalt resurfacing of State Route 83 (Center Road) from Detroit Road in the City of Avon northward to Lake Road in the City of Avon Lake, and

WHEREAS, NOACA in conjunction with the Ohio Department of Transportation (ODOT) has designated the project as PID 92880, LOR SR083-17.94 and placed it on NOACA's SFY 2016-2019 Transportation Improvement Program (TIP) for funding with the City of Avon as the Project Sponsor. NOACA has preliminarily estimated the total cost of construction and construction engineering to \$2,169,719.00. The estimated costs will be divided on a 20% local and 80% NOACA funding ratio for construction related costs. As such, the NOACA estimated construction costs break down as follows: \$174,272.00 for Avon Lake, \$259,672.00 for Avon, and \$1,735,775.00 for NOACA. Estimated costs will be revised during the development of engineering plans and will be based on the actual work occurring in each community, and

WHEREAS, it is a requirement of the NOACA program that the local governments must undertake actions to facilitate the preparation of engineering plans and specifications for the

project that meet with ODOT requirements and satisfaction. In addition, the cost of preparing the plans and specifications shall be borne solely by the local governments involved, and

WHEREAS, after discussions between the City of Avon and the City of Avon Lake administrations, it was proposed that any project related local costs not specifically segregated per community by ODOT, including the costs to prepare the engineering plans and specifications, shall be divided among the two communities based on a ratio of the centerline length of State Route 83 within the project area per community to the total project length. Based on straight line miles within the project area there are 1.5 miles in Avon and 2.4 miles in Avon Lake. The resulting cost sharing percentages would then be 38.5% Avon and 61.5% Avon Lake, and

WHEREAS, ODOT has agreed that for this project it will review the prepared engineering plans and then to administer the bidding contract award and construction management activities through an ODOT-Let contract and construction model instead of Local Project Administration model, and

WHEREAS, the City of Avon, as the NOACA designated Project Sponsor shall act as the Lead Agent for the preparation of engineering plans and specifications in cooperation with NOACA, the Ohio Department of Transportation (ODOT) and the City of Avon Lake, and

WHEREAS, Council finds that entering into a cooperative agreement with the City of Avon to prepare one unified set of engineering plans and specifications will further the health, safety, and welfare of the community in upgrading its transportation facilities, 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 execute a Cooperative Agreement (attached hereto and incorporated herein as Exhibit A) with the City of Avon for the preparation of engineering plans and specifications related to the asphalt resurfacing of State Route 83 (Center Road) from Detroit Road in the City of Avon northward to Lake Road in the City of Avon Lake known as ODOT PID 92880, LOR SR083-17.94.

Section No. 2: Council hereby authorizes the Finance Director to make payment from the Fund No. 207-6-054-8-801-000 in the amount set forth in the Cooperative Agreement (Exhibit A), to meet the City's obligations as set forth therein.

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 necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Avon Lake, the immediate emergency being the necessity to enter into a cooperative agreement with the City of Avon for the preparation of engineering plans and specifications related to the improvement of State Route 83 as described herein within both communities within the 2016 construction season. 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

EXHIBIT A

**COOPERATIVE AGREEMENT
BETWEEN
THE CITY OF AVON AND THE CITY OF AVON LAKE
FOR THE ASPHALT RESURFACING OF STATE ROUTE 83 FROM DETROIT ROAD TO
LAKE ROAD**

This Agreement entered into this ____ day of _____, 2016, by and between the **CITY OF AVON LAKE, OHIO**, an Ohio municipal corporation located at 150 Avon Beldon Road, Avon Lake, Ohio 44012, (hereinafter "Avon Lake") and the **CITY OF AVON**, located at 36080 Chester Road, Avon, Ohio 44011 (hereinafter "Avon").

WITNESSETH:

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) Board of Directors passed Resolution 2014-013 titled "Provisional Transportation Asset Management Policy" at its April 11, 2014 Board Meeting; and

WHEREAS, the stated intent of the Provisional Transportation Asset Management Policy is to advance projects for funding that have been prioritized by NOACA's Regional Pavement Management System (RPMS) with input from the affected communities to consider factors such as project readiness, multimodal use, economic development and access to community job centers. RPMS uses a benefit analysis based on average daily traffic, pavement condition ratings, functional classifications, and various connectivity factors. The result was a selection of a list of resurfacing projects by NOACA for funding in fiscal year 2016 that met the criteria; and

WHEREAS, one of the projects selected by NOACA for participation in the program is the asphalt resurfacing of State Route 83 (Center Road) from Detroit Road in the City of Avon northward to Lake Road in the City of Avon Lake; and

WHEREAS, NOACA in conjunction with the Ohio Department of Transportation (ODOT) have designated the project as PID 92880, LOR SR083-17.94 and placed it on NOACA's SFY 2016-2019 Transportation Improvement Program (TIP) for funding with the City of Avon as the Project Sponsor. NOACA has preliminarily estimated the total cost of construction and

construction engineering to be \$2,169,719. The estimated costs will be divided on a 20% local and 80% NOACA funding ratio for construction related costs. As such, the NOACA estimated construction costs break down as follows: \$174,272 for Avon Lake, \$259,672 for Avon and \$1,735,775 for NOACA. Estimated costs will be revised during the development of engineering plans and will be based on the actual work occurring in each community; and

WHEREAS, it is a requirement of the NOACA program that the local governments must undertake actions to facilitate the preparation of engineering plans and specifications for the project that meet with ODOT requirements and satisfaction. In addition, the cost of preparing the plans and specifications shall be borne solely by the local governments involved; and

WHEREAS, Avon and Avon Lake are both desirous of improving said project area by undertaking improvements which will benefit the residents of both communities, (hereinafter the "project"); with Avon and Avon Lake undertaking on a shared basis all project related local costs not specifically segregated per community by ODOT, including the costs to prepare the engineering plans and specifications, shall be divided among the two communities based on a proportional ratio of the estimated construction costs that are planned to occur in each community as defined by the construction plans developed by Chagrin Valley Engineering, Ltd., reviewed by ODOT District 3 officials and filed for construction with ODOT's Central Office~~centerline length of State Route 83 within the project area per community to the total project length. Based on ODOT Straight Line Miles designations within the project area there are 1.5 centerline miles in Avon and 2.4 centerline miles in Avon Lake. The resulting cost sharing percentages would then be 38.5% Avon and 61.5% Avon Lake; and~~

WHEREAS, ODOT has agreed that for this project it will review the prepared engineering plans and then to administer the bidding, contract award and construction management activities through an ODOT-Let contract and construction model instead of Local Project Administration model ; and

WHEREAS, the City of Avon, as the NOACA designated Project Sponsor shall act as the Lead Agent for the preparation of engineering plans and specifications in cooperation with NOACA, the Ohio Department of Transportation (ODOT) and the City of Avon Lake; and

WHEREAS, therefore, Avon and Avon Lake are desirous of entering into a separate Cooperative Agreement pursuant to the provisions of Ohio Revised Code Sections 727.41 and 5557.09, and the applicable laws of Avon and Avon Lake, in order to provide for Avon undertaking the lead responsibility with respect to the project, and for the prorated sharing of all project costs, including but not limited to the design engineering, construction of improvements, construction supervision, contract administration, and related items on a prorated shared basis, and any right of way acquisition, and/or utilities relocation as set forth hereafter unless specific quantifications of work performed in each community are prepared and certified by the Ohio Department of Transportation in which case such costs shall not be prorated and shared but paid fully by the community in which the work occurred.

NOW, THEREFORE, in consideration of the promises, terms, conditions and considerations herein, Avon Lake and Avon agree as follows:

1. With regard to the design engineering required for the project, Avon shall provide the necessary design engineering based on the attached document titled "Engineering Plan Development Scope of Services for the Resurfacing of State Route 83 in the Cities of Avon and Avon Lake, Lorain County, Ohio, ODOT PID 92880: LOR – 83-17.94, Section 17.94 – 21.86, January 20, 2016", prepared by Chagrin Valley Engineering, Ltd. in a total amount not to exceed \$65,100 as stipulated therein and furnish on a monthly basis an itemization of such expenses based upon the pro rata and allocable hourly rates of those Avon employees / consultants who are engaged in the process of design engineering based upon actual hours so expended. Upon presentation of such an itemization, Avon Lake

shall, within 60 days, reimburse Avon for its proportional share ~~61.5%~~ of the charges identified.

2. With regard to the construction work required for the project, Avon shall work cooperatively with NOACA and ODOT so that the Project participates in ODOT's ODOT-Let model for competitive bidding, contract award, construction supervision and construction administration. Each community shall be responsible for 100% of any costs presented to it by ODOT for its portion of such project costs.
- ~~4. In the event of the necessity of any right of way acquisition and/or utility relocation, Avon will contract for such items as the lead agency. However such costs and expenses (including but not limited to design costs, supervision, negotiations and related costs) shall be born one hundred percent (100%) by the particular entity, whether Avon or Avon Lake, within the boundaries of such right of way acquisition and/or utility relocation arises in connection with the project.~~
- ~~6. Avon Lake agrees that it will be jointly responsible with Avon (see party's proportionate share in paragraph Number 1.) for any and all costs, expenses, claims, demands or causes of action, including but not limited to, costs of defense and legal fees, arising from the Project notwithstanding Avon's status as lead agency in connection with this Agreement.~~
- ~~37.~~ This Agreement may be amended or modified only by a written agreement between the parties duly authorized, that may provide for such additional terms and conditions as may be agreed upon for the joint construction of the referenced project.
- ~~48.~~ This constitutes the entire agreement of the parties with regard to the subject matter, and is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions and agreements of the parties. No

modification or amendment of this agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto. This agreement shall be subject to and governed by the laws of the State of Ohio.

59. The waiver of any party hereto of a breach or violation of any provision of this agreement shall not operate as or be construed to be a waiver of any subsequent breach of the same or any other provision. No waiver shall be binding unless it is in writing, and no course of dealing, delay or omission in the exercise of any rights shall operate as a waiver.

640. This agreement shall be binding upon and inure to the benefit of the parties and their respective successors and permitted assigns.

744. The undersigned representatives of each of the parties hereby represent and warrant that he/she is the duly authorized officer or agent of such party, that each party has approved this agreement by appropriate legal and/or legislative action, and that this agreement constitutes a valid and binding contract and agreement properly undertaken and binding upon each of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

Signed in the presence of:

CITY OF AVON LAKE

By: _____
Greg Zilka, Mayor

CITY OF AVON

By: _____
Bryan K. Jensen, Mayor

CERTIFICATE OF LAW DIRECTOR OF AVON LAKE

I hereby certify that I have reviewed and approved the form of the foregoing Agreement
this ____ day of _____, 2016.

Abraham Lieberman, Law Director

CERTIFICATE OF LAW DIRECTOR OF AVON

I hereby certify that I have reviewed and approved the form of the foregoing Agreement
this ____ day of _____, 2016.

John Gasior, Law Director

CERTIFICATION OF FUNDS

I, Steve Presley, Director of Finance of the City of Avon Lake, Ohio hereby certify that the money to meet this Agreement has been lawfully appropriated for the purpose of the Agreement and is in the treasury of the City, or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.

Date

Director of Finance

CERTIFICATION OF FUNDS

I, Bill Logan, Director of Finance of the City of Avon, Ohio hereby certify that the money to meet this Agreement has been lawfully appropriated for the purpose of the Agreement and is in the treasury of the City, or is in the process of collection to the credit of the appropriate fund free from prior encumbrance.

Date

Director of Finance

BY: Mr. Shondel

TEMP NO: 10627

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF TIMOTHY PINCHEK TO THE POSITION OF RECREATION DIRECTOR, ESTABLISHING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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

Section No. 1: That the appointment by the Mayor of Timothy Pincheck to serve as Recreation Director for a term concurrent with the term of the Mayor, effective February 16, 2016 is hereby confirmed by Council.

Section No. 2: That the powers, duties, and responsibilities to be performed and undertaken by the Recreation Director shall be those provided in Section 40A of the Municipal Charter.

Section No. 3: That effective February 16, 2016 Council does hereby fix and establish an annual salary of \$70,000.00 for Mr. Pincheck, Recreation Director, to be adjusted periodically as provided by ordinance.

Section No. 4: That Mr. Pincheck shall be entitled to receive the applicable benefits provided to full-time, non-union employees, including, but not limited to, Sick Leave (260.03 Cod. Ord.), Holidays (260.06 Cod. Ord.), Life Insurance (260.09 Cod. Ord.), Vacation (260.02 Cod. Ord.), Dental and Eye Care Insurance (260.08 Cod. Ord.), Bereavement Leave (260.18 Cod. Ord.), and Jury Duty (260.22 Cod. Ord.).

Section No. 5: That in addition to the benefit provided, Mr. Pincheck shall be entitled to receive 13 days of paid vacation during 2016. Further, effective January 1, 2017, Mr. Pincheck shall be granted an annual vacation of three normal weeks. Mr. Pincheck shall also receive four personal days to be taken by December 31, 2016.

Section No. 6: That Mr. Pincheck shall be entitled to carry over sick time from his previous employment pursuant to Ohio Revised Code Section 124.38 and Avon Lake Codified Ordinance Section 260.03.

Section No. 7: 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. 8: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of making immediate provisions for the performance of the duties required by a full-time Recreation Director to ensure the efficient operation of the Recreation 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: 10628

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE APPOINTMENT OF
STEPHANIE BIGGERS, AS PRODUCTION COORDINATOR
FOR THE CITY OF AVON LAKE, ESTABLISHING THE
RATE OF COMPENSATION FOR SAID POSITION, AND
DECLARING AN EMERGENCY.

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

Section No. 1: That the appointment of Stephanie Biggers,
Production Coordinator for the City of Avon Lake is hereby
confirmed by Council, effective February 9, 2016.

Section No. 2: That on the basis of Ms. Bigger's experience
and ability, Council does hereby fix and establish a rate of
\$14.01/hour.

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
employing a Production Coordinator to ensure that cable
programming continues to serve the public and keep residents
informed of City government activities, 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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 274.02, ENTITLED MEMBERSHIP; TERMS OF OFFICE; COMPENSATION, AND DECLARING AN EMERGENCY.

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

Section No. 1: That Codified Ordinance Section 274.02 is hereby amended as follows:

272.02 MEMBERSHIP; TERMS OF OFFICE; COMPENSATION.

(a) The Environmental Affairs Advisory Board shall consist of 14 members to be appointed by Council for terms of two years each. Up to six members of the Board shall be employees or representatives of industrial concerns located within the City and they need not be residents of the City. They shall be selected because of their knowledge, technical capability or interest in matters relating to air and/or water management and for their ability to competently represent both their own industry and industry in general, which is located in the community.

(b) The other members of the Board shall be resident members. During the term of their membership they shall be residents of the City and shall hold no other elective ~~or appointive~~ office in the City administration. These members shall be selected for their knowledge, technical ability or mere genuine interest in matters related to air and/or water management in the City. They shall not be employees of industrial concerns located in the City.

(c) No member of the Board shall receive compensation from the City for such service, but expenses incurred while on the business of the Board shall be paid by the City, subject to approval of Council.

(d) The Board shall select its own Chairperson.

(e) The Chairperson of the Environmental Committee of Council, the Public Works Director, and the Mayor shall serve as ex officio members of the Board, that is, they may attend meetings of the Board, but shall not have voting power.

(f) The Director of Finance or his or her designate shall serve as Secretary to the Board.

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 allow members of the EAAB to fill vacancies on other boards and commissions and offer their expertise to address important issues in 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: _____ President of Council

POSTED: _____ Approved

ATTEST: _____

BY: Mr. Shondel

TEMP NO: 10630

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 104-2015
AND DECLARING AN EMERGENCY.

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

Section No. 1: That Ordinance No. 104-2015 is hereby
amended as follows:

Section No. 1: That the employees in the following non-
bargaining unit positions be granted wage increases as follows,
effective July 1, 2014 and other terms of previously enacted
ordinances shall otherwise remain in full force and effect:

	Effective July 1, 2014	effective 7/1 2015	effective 7/1 2016
Police Chief	2%	2%	2%
Police Secretary	2%	2%	2%
Fire Chief	2%	2%	2%
Fire Department Secretary	2%	2%	2%
Clerk of Council	2%	3%	2%
Public Works Director	2%	2%	2%
Recreation Director	2%	2%	2%
Chief Building Official	2%	2%	2%
Plumbing Inspector	2%	2%	2%
Electrical Inspector	2%	2%	2%
Public Works Foreman	2%	2%	2%
Finance Director	2%	2%	2%
Finance Secretary	2%	2%	2%
Zoning Administrator	2%	2%	2%
Mayor's Secretary		2%	2%

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
fulfilling commitments to certain City personnel and complying
with the Wage and Salary Administration Code. 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: _____

BY: Mr. Bucci

TEMP NO: 10631

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF AVON LAKE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Economic Development Committee that a job description for the position of Economic Development Director for the City of the Avon Lake be adopted, now therefore;

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

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Economic Development Director for the City of Avon Lake shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

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 in order to move forward with the hiring of a full-time Economic Development Director to promote economic development in Avon Lake and bring revenue into the City and create jobs, thus for the health, safety, and welfare of the public. Therefore, this Ordinance 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

CITY OF AVON LAKE

POSITION DESCRIPTION

ECONOMIC DEVELOPMENT DIRECTOR
(FULL-TIME)

Job Title: Economic Development Director

Department: Economic Development

Immediate Supervisor: Mayor

Positions Supervised: None

FLSA Status: Exempt

Bargaining Unit: None

Civil Service Status: Unclassified

GENERAL RESPONSIBILITIES:

This full-time position is responsible for initiating, directing, promoting, and facilitating economic development activities for the City of Avon Lake. The position is also responsible for achieving the goals and objectives outlined by the Mayor and City Council. The position shall implement economic development initiatives that are consistent with the City's Comprehensive Land Use Plan and the Master Thoroughfare Plan. The position shall consult with the West End Redevelopment Commission and other ad-hoc entities that may come into existence. The position performs other related duties as directed, and all other duties as described in the Avon Lake Codified Ordinances.

GENERAL QUALIFICATIONS:

- A Bachelor's Degree in public administration, urban planning, business administration, economics, marketing, finance or related field and at least five years, and preferably ten

years of experience in economic development, community development or redevelopment activities in the public or private sector; or,

- A Master's Degree in public administration, urban planning, business administration, economics, marketing, finance or related field and at least three years, and preferably five years of experience in economic development, community development or redevelopment activities in the public or private sector.
- Experience in the State of Ohio is preferred.
- It is preferred that the position possess the following personality traits: outgoing; self-motivated; organized; ambitious; enthusiastic; and be able to think strategically.
- The abilities to multi-task, work under pressure and deadlines and with the highest level of integrity is required.

KNOWLEDGE, SKILLS AND ABILITIES:

Position must possess knowledge of:

- Operational characteristics, services and activities of an economic development program;
- Management methods and techniques to analyze programs, policies and operational needs;
- Financing, market analysis and development;
- Public administration and local government operations; and,
- Pertinent Federal, State, and local laws, codes and regulations.

Position must have the ability to:

- Oversee and manage the operations, services and activities of the economic development program;
- Use sound judgment;
- Present written and oral reports, design technically complex visual aids such as maps, tables and charts;
- Prepare clear and concise reports;
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations;
- Research, analyze, and evaluate new service delivery methods and techniques;
- Apply laws and regulations; and,
- Communicate clearly and concisely both orally and in writing.

SPECIFIC DUTIES:

- Implements initiatives that creates an overall business environment that enables current employers can maintain and expand their business, and attracts new businesses to move into the City.
- Develops and administers a comprehensive economic development strategy – including business retention, expansion and recruitment – for the City.
- Administers a comprehensive outreach program to new and expanding businesses.
- Create and lead a rapid response team that can quickly address economic development leads.

- Develops a business visitation program and, along with the Mayor, conducts personal visits to City businesses to assess business climate issues and concerns.
- Manages the marketing efforts of the City to include developing and implementing promotional and marketing programs and materials.
- Develops and administers a small business development program.
- Promotes, monitors and evaluates the effectiveness of various economic development programs and efforts.
- Reviews and evaluates economic development proposals for feasibility and funding consideration.
- Establishes and maintains a database of existing City businesses, commercial property owners and vacant commercial property.
- Researches sources of possible federal, state, regional, or port authority funding affecting local goals and objectives.
- Develop strategies using local sources of revenue, including general fund or tax levy revenue, special improvement districts, and tax-increment financing.
- Develop strategies using municipal redevelopment tools including eminent domain, adaptive reuse ordinances, and enterprise zone agreements.
- Develops and maintains supportive relationships with other local, regional and state economic development organizations, existing City businesses, and real estate networks.
- Participate in local and regional committees and boards addressing business issues and concerns.
- Research and apply for appropriate governmental and private sector grants.
- Serves as a resource to, and works collaboratively with, the West End Redevelopment Commission, the Community Improvement Corporation and other entities that may come into existence with approval from the Mayor and Council;
- Prepares annual budget requests for the Economic Development Department; monitors expenditures to ensure expenses do not exceed budgetary constraints.
- Drafts policies/procedures, and makes presentations as needed.
- Maintains database of contacts and presentations including the number of contact hours per week.
- Prepares bi-weekly activity reports for the Mayor and Council.
- Attends weekly staff meetings.
- Other duties as assigned.

LICENSES AND CREDENTIALS:

- National Development Council certification as an Economic Development Financial Professional is preferred.
- A valid Ohio driver's license is required.

BY: Mr. James

TEMP NO: 10632

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL
ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING
AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake City Charter, entitled Competitive Bidding, authorizes the expenditure of funds exceeding \$25,000 without public bidding for "personal services" as defined in the Charter, and

WHEREAS, the administration and Council desire to continue to retain the personal services of a professional environmental consulting firm to monitor the closed landfill at the Public Works Department, 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 HzW Environmental Consultants, LLC of Mentor, Ohio for the purpose of retaining personal, professional services to monitor the closed landfill.

Section No. 2: That said Agreement shall state among its terms that the cost of said personal, professional services shall not exceed \$53,000.00. Upon receipt of an itemized billing, in conformance with the guidelines and scope of work as set forth in said Agreement, to the satisfaction of the Public Works Director, the Director of Finance is hereby directed to deliver to HzW Environmental Consultants, LLC the warrant of this City in the amount due and payable 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 providing for professional environmental consulting services to test samples for groundwater monitoring according to EPA requirements, thus for the health, safety, and welfare of the

public. Therefore, this Ordinance 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. Kos

TEMP NO: 10633

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 840.04 (d), AND DECLARING AN EMERGENCY.

WHEREAS, the Safety Committee recommended an amendment to Codified Ordinance Section 840.04 (d), now therefore;

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

Section No. 1: That Codified Ordinance Section 840.04 (d) is hereby amended as follows:

840.04 SOLICITATIONS PERMITTED ONLY DURING CERTAIN HOURS

(d) In this section "sunset" means the time of day provided by the Astronomical Applications Department of the U.S. Naval Observatory ~~published on the weather page of the Cleveland Plain-Dealer~~ as the time for sunset on that day in 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 is hereby declared to be an emergency measure, the emergency being the necessity of clearly defining the time that solicitors are permitted to call on residents in evening hours to ensure their safety, 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.

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

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

BY: Mr. Kos

TEMP. NO. 10634

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR
VEHICLE CHANGEOVER FOR THE POLICE DEPARTMENT
2016 FORD EXPLORER, AND DECLARING AN
EMERGENCY.

WHEREAS, Section 59 of the Avon Lake City Charter authorizes expenditures not exceeding \$25,000.00 without public bidding, and

WHEREAS, quotations were solicited for vehicle changeover for the Police Department 2016 Ford Explorer, and

WHEREAS, Council coming now to consider said quotations has determined that the quotation submitted by Hall Public Safety Co. of Hartville, Ohio, is the best quote and is acceptable to this Council, now therefore;

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

Section No. 1: That the quotation for the changeover for the Police Department 2016 Ford Explorer from Hall Public Safety Co. of Hartville, Ohio in the amount of \$15,482.68 be and it is hereby accepted and approved.

Section No. 2: That upon completion of the changeover, with the proper specifications, to the full satisfaction of the Police Chief and Director of Finance, then the Director of Finance is hereby directed to deliver to Hall Public Safety Co. of Hartville, Ohio, the warrant of this City in the amount of \$15,482.68 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

providing the Police Department with a proper vehicle to safely and efficiently respond to emergency calls, 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:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. James

TEMP. NO. 10635

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF
A FORD FOCUS FOR THE ZONING ADMINISTRATOR,
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 sale of
a Ford Focus, and

WHEREAS, the State has determined that the bid submitted by
Middletown Ford of Middletown, Ohio is 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 Middletown Ford of
Middletown, Ohio submitted through the Cooperative Purchasing
Program of the State of Ohio, to supply the City with a Ford
Focus for the Zoning Administrator in an amount not to exceed
\$16,500.00, be and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City of the Ford
Focus with the proper specifications, to the full satisfaction
of the Zoning Administrator and Director of Finance, then the
Director of Finance is hereby directed to deliver to Middletown
Ford of Middletown, Ohio, the warrant of this City in an amount
not to exceed \$16,500.00 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 to provide the Zoning Administrator with
serviceable equipment to safely and efficiently perform her
duties, 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:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10636

ORDINANCE NO. _____

AN ORDINANCE APPROVING A CONDITIONAL USE/CHANGE OF USE FOR A STORAGE FACILITY AT 294 AVONDALE AVENUE, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of February 2, 2016, recommended the approval of a Conditional Use/Change of Use of the former NAPA store located at 294 Avondale Avenue to a storage facility, 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/Change of Use of the former NAPA store located at 294 Avondale Avenue to a storage.

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 to expedite the transfer of property in order for the vacant building to be occupied 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.

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

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PLANNING & ZONING CODE WITH THE ADDITION OF SECTION 1260.10, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission at its meeting of February 2, 2016 recommended to Council an amendment to the Planning & Zoning Code with the addition of Section 1260.10 regarding Farmers Markets, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

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

Section No. 1: That the Planning & Zoning Code is hereby amended with the addition of Section 1260.10 as follows:

1260.10 FARMERS MARKET

A) Definition. "Farmers Market" means an outdoor location where vendors congregate to offer one or more of the following items for sale:

- a. Fresh unprocessed fruits and vegetables, herbs, grains, legumes, nuts, honey or other bee products and maple syrup;
- b. Flowers and plants
- c. Livestock food products (including meat, milk, yogurt, cheese and other dairy products)
- d. Products of a cottage food production operation as defined by Ohio R.C. 3715.01;
- e. Handmade items made by the vendor provided they comprise less than 20% of the total displayed inventory at the Farmers Market. (Commercially manufactured goods or products shall not be offered for sale.)

B) Location. Farmers Markets may be permitted on property that is not designated as within a Residential District and on property that is in a Residential District provided that the property is being utilized as a place of worship, school, public library or public facility.

C) Duration. Farmers Markets shall not be operated more than one day of each week on any one property. Farmers Markets may only be operated during the months of April through October and only between the hours of 9:00 a.m. and 8:00 p.m.

D) Requirements and Standards. Farmers Markets shall be subject to the following requirements and standards:

- 1) No person may display or offer for sale in a Farmers Market any item that was purchased directly or indirectly from any other person or any item that was not

produced upon land either owned or leased by the person displaying or offering such item.

- 2) All electrical connections, erections of temporary structures, stands, tents, etc. shall comply with all applicable codes and regulations and all permits and licenses required for such connections and erections and by the persons making same must be obtained.
- 3) The Farmers Market operator shall be responsible for cleanup of the Farmers Market site at the end of each day of operation including removal of trash, temporary structures, stands tents, signage, and banners.
- 4) Sanitary facilities for vendors of the Farmers Market must be provided by the host property.
- 5) The Farmers Market shall not be operated or conducted in a way that is a nuisance or disturbance to the occupants of neighboring properties.
- 6) No cooking shall be permitted at the Farmers Market.
- 7) The Farmers Market operator or his designated representative authorized to direct the operations of all vendors participating in the market shall be on the site of the market during all hours of operation.
- 8) The Farmers Market and every vendor must comply fully with all applicable federal, state, county and local health codes and be registered with the Ohio Department of Agriculture, Division of Food Safety.
- 9) Adequate parking for the Farmers Market must be provided. Required on-site parking spaces of the host property may be used for the Farmers Market provided such arrangement does not render the host property deficient in its parking requirement or that there is no parking demand associated with the use of the host property for the same parking spaces during the hours of the Farmers Market operation.
- 10) One temporary free-standing sign not to exceed ten (10) square feet in area and six (6) feet in height may be permitted for the Farmers Market provided that a temporary sign permit is obtained. The temporary sign authorized by this subsection shall be installed no sooner than the day before the Farmers Market and shall be removed by the end of the day of the Farmers Market.
- 11) Musicians may perform at the Farmers Market, subject to such conditions imposed as part of the Zoning Permit.

E) Approval Process. Application for a Zoning Permit for a Farmers Market shall be submitted on the form provided by the Zoning Administrator. A Zoning Permit shall be issued only when an administrative board made up of the Mayor, the Building Inspector, the Fire Chief, the Police Chief and the Public Works Director and the Zoning Administrator find that the proposed use is a Farmers Market, as defined in subsection (A) hereof, and complies with all the requirements and

standards of this section. The Zoning Permit for a Farmers Market shall expire on the 31st of October of the calendar year issued.

F) Documentation. Prior to the first day of the Farmers Market, the person responsible for coordinating the Farmers Market shall provide to the Zoning Administrator a list of vendors who will be participating in the Farmers Market. The list shall contain the name, address and contact number of each vendor, products to be sold, dates of participation in the Farmers Market and any other information required by the Zoning Administrator. Along with the above referenced list, a copy of any required food service licenses or other applicable licenses for each vendor must be provided. Said licenses (or copies) shall be in the possession of the Farmers Market operator and the vendor as applicable, on the site of the Farmers Market during all hours of operation.

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 establishing definitions and regulations of farmers markets in time for the upcoming season to provide for the health, safety, and welfare of the public. Therefore, this Ordinance 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: _____