

VOTING ORDER

M. 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 March 28, 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: March 14, 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

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 liquor license transfer from Sally's Westshore Pub to Lakehouse LLC – D. Kos.

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 liquor license transfer from Lettuce Feed You Inc. dba Athena's Restaurant, to Pancho & Petey Inc. dba Athena's Restaurant – D. Kos.

Authorizing a contract with Zambelli Fireworks Manufacturing Co. in the amount of \$14,000 – M. O'Donnell.

Accepting the resignation of Janine Mackert, Business Liaison, effective May 1, 2016 – J. Shondel.

Legislation

Third Reading:

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

Second Readings:

Temporary Legislation #10642R, approving the General Development Plan for Port West P.U.D.→

Temporary Legislation #10643, approving the Improvement Plans for Arrington Village.

Temporary Legislation #10645, authorizing an agreement with the Lorain County General Health District to provide health services.

Temporary Legislation #10648, authorizing an agreement with Coldwater Consulting LLC for ecological restoration services.→

First Readings:

Temporary Legislation #10651, approving the editing of the Codified Ordinances and adopting new matter in the updated and revised Codified Ordinances.→

Temporary Legislation #10652, authorizing the Mayor to execute a personal services agreement with GO2IT for information technology services.→

Temporary Legislation #10653, providing for the continued defense of the City in an action filed by James Pietrangelo.→

Temporary Legislation #10654, authorizing a donation to Community Resource Services.→

Temporary Legislation #10655, authorizing an agreement with ODOT for the resurfacing of SR 83.→

Miscellaneous Business and Announcements

Public Input

Adjournment

→Suspension of the rule requiring three readings

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. Beer and wine made in Ohio for off-premises consumption only, provided such sale complies with all applicable state statutes, rules and regulations;
- e.f. 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: 2/08/16
2nd reading: 3/14/16
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____

BY: Mrs. Fenderbosch

TEMP NO. 10642R

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE GENERAL DEVELOPMENT PLAN FOR PORT WEST P.U.D., **AND DECLARING AN EMERGENCY.**

WHEREAS, Planning Commission has at its meeting of March 1, 2016, approved the request for the General Development Plan for Port West P.U.D., 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 consideration by this Council, there is hereby approved the General Development Plan for Port West P.U.D. for a 57.4 acre site to include a total of 143 residential units with a total of 16.35 acres of open space. All streets will be dedicated public streets.

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~~ is hereby declared to be an emergency measure to allow the developer to move forward with the project during the summer construction season to further the economic growth of the City, 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: 3/14/16

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10643

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE IMPROVEMENT PLANS
FOR ARRINGTON VILLAGE,

WHEREAS, Planning Commission has at its meeting of March 1, 2016, approved the Improvement Plans for Arrington Village, now therefore;

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

Section No. 1: That the Improvement Plans for Arrington Village, consisting of 24 attached dwelling units on private streets, submitted to and approved by Planning Commission as required by the Planning & Zoning Code, and referred to this Council, be and it is hereby approved.

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

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

1st reading: 3/14/16

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10645

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE LORAIN COUNTY GENERAL HEALTH DISTRICT TO PROVIDE HEALTH SERVICES TO THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY.

WHEREAS, the contract with the City of Lorain to provide the City of Avon Lake with health services expires July 31, 2016, and

WHEREAS, it has become apparent that the City of Lorain will not be able to continue to maintain its own health department due to financial constraints, and

WHEREAS, the Mayor has negotiated with the Lorain County General Health District to provide health services to the City of Avon Lake, 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 the Lorain General County Health District to provide health services to the City of Avon Lake and he is authorized to sign all necessary documents to become a member of the Lorain County General Health District.

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 to begin the process of joining a health district to ensure health services will continue to be available to the residents of Avon Lake, thus for the public health, safety, and welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading: 3/14/16

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10648

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH
COLDWATER CONSULTING LLC FOR PROFESSIONAL
SERVICES FOR ECOLOGICAL RESTORATION, AND
DECLARING AN EMERGENCY.

WHEREAS, Coldwater Consulting has been assisting the City of Lorain and Lorain County for ecological restoration and has authored over \$27 million in successful grant applications, and

WHEREAS, the City of Avon Lake wishes to enter into an agreement with Coldwater Consulting to implement The Ecological Restoration Grants Program and additional grant writing and restoration design to restore the Lake Erie shoreline and Avon Lake tributaries, 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 Coldwater Consulting for professional services as stated in said Agreement pending approval by the Law Director.

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 to sign the Agreement in order for Coldwater Consulting to begin the grant process as soon as possible for ecological restoration to protect the shoreline and tributaries, thus for the public health, safety, and welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading: 3/14/16
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

By: Mr. O'Donnell

TEMP NO. 10651

ORDINANCE NO. _____

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>
8-2015	1-26-15	260.16
15-2015	2-9-15	452.04, 452.15, 454.10
26-2015	3-9-15	1218.02, 1218.03, 1218.04, 1218.05, 1218.06
27-2015	3-9-15	230.01, 260.06
28-2015	3-9-15	618.12
33-2015	3-9-15	208.01
54-2015	4-13-15	662.01 to 662.06
68-2015	6-8-15	220.26, 260.22, 268.01, 268.02, 278.04, 1214.04, 1214.07, 1468.05, 1476.36
70-2015	6-8-15	Repeals 474.08
75-2015	6-8-15	208.01
84-2015	6-8-15	208.01
89-2015	7-13-15	1070.02, 1070.99
106-2015	8-24-15	1212.03, 1242.01 to 1242.12
110-2015	9-14-15	1010.11, 1010.111
121-2015	9-28-15	208.01
124-2015	10-13-15	1217.04

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
125-2015	10-13-15	1212.03, 1244.02, 1246.02, 1250.03, 1250.04
126-2015	10-13-15	618.17 to 618.20
132-2015	10-13-15	618.01, 618.21 to 618.27
136-2015	10-26-15	618.12
143-2015	11-9-15	288.04
149-2015	11-23-15	208.01
163-2015	12-21-15	886.01 to 886.26, 886.99
171-2015	12-21-15	Ch. 880, Ed. Note

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:

432.24, 434.01, 436.01, 436.035, 436.09, 436.14, 442.01, 442.03, 442.04, 442.05, 442.07, 452.04, 452.05, 452.055, 474.02, 606.02, 606.06, 606.07, 606.10, 606.19, 606.24, 612.07, 618.05, 624.01, 636.09, 636.10, 660.08, 672.01, 672.10, 672.16, 698.02

Section No. 3: That the following section of the Codified Ordinances is hereby repealed:

414.11 Traffic law photo-monitoring devices.

Section No. 4: 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 December 31, 2015.

Section No. 5: 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. 6: 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 2016 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

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2016 REPLACEMENT PAGES FOR THE CODIFIED ORDINANCES OF AVON LAKE, OHIO

New matter in the Codified Ordinances of Avon Lake, Ohio, as contained in the 2016 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
414.11	Traffic law photo-monitoring devices. (Repealed)
432.24	Driving upon street posted as closed for repair.
434.01	Implied consent.
436.01	Driver=s or commercial driver=s license required.
436.035	Driving with probationary license.
436.09	Display of license plates; registration; obstructions.
436.14	Removal of vehicles after accidents.
442.01	Definitions relating to drivers of commercial vehicles.
442.03	Licensing requirements.
442.04	Physical qualification to operate commercial motor vehicles.
442.05	Criminal offenses.
442.07	Information required of prospective drivers by employers; unauthorized driving.
452.04	Manner of parallel and angle parking; handicapped persons.
452.05	Willfully leaving vehicles on private or public property.
452.055	Parking prohibitions on private property; private tow-away zones.
474.02	Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.
606.02	Culpable mental states.
606.06	Limitation on criminal prosecutions.
606.07	Requirements for criminal liability; voluntary intoxication.
606.10	Falsification.
606.19	Dereliction of duty.
606.24	Disposition of unclaimed or forfeited property held by Police Department.
612.07	Open container prohibited.
618.05	Cruelty to animals; cruelty to companion animals.
624.01	Definitions relating to drugs.
636.09	Coercion.
636.10	Nonsupport of dependents.
660.08	Open burning.
672.01	Definitions relating to weapons and explosives.
672.10	Fireworks.
672.16	Concealed handgun licenses: possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.
698.02	Penalties for misdemeanor.

BY: Mr. James

TEMP NO: 10652

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
A PERSONAL SERVICES AGREEMENT WITH GO2IT
GROUP FOR INFORMATION TECHNOLOGY (IT) MANAGED
SERVICES, 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 for IT managed services effective April 1, 2016 through March 31, 2017, 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 as provided in such agreement between the City of Avon Lake and GO2IT Group. The agreement shall state among its terms that the cost of said personal services shall be billed monthly and shall not exceed \$48,000.00 for the duration of the agreement. Upon completion of said computer services 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 IT managed services so they can perform their duties efficiently and maintain the 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

BY: Mr. Meiners

TEMP NO: 10653

ORDINANCE NO. _____

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

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

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

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

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

Section No. 3: That the necessary expenses for said representation be paid upon approval voucher submitted therefore, in an amount not to exceed \$10,000.00.

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

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

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10654

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A DONATION TO
COMMUNITY RESOURCE SERVICES, AND DECLARING
AN EMERGENCY.

WHEREAS, it has been recommended by the administration to award a donation to Community Resource Services to provide financial assistance to qualified residents in the City of Avon Lake, and

WHEREAS, Council has determined that said donation is for a public purpose, and

WHEREAS, said residents must meet certain financial guidelines established by Community Resource Services to qualify for assistance, and

WHEREAS, Community Resource Services will provide the Finance Director with quarterly reports on expenditures of said funds, 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 hereby directs the Finance Director to pay the amount of \$17,600.00 to Community Resource Services, 33501-L Lake Road, Avon Lake, Ohio 44012.

Section No. 2: That the \$17,600.00 donation to Community Resource Services will be used to provide financial assistance to Avon Lake residents who qualify according to guidelines established by Community Resource Services.

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 to provide funds to Community Resource Services to assist residents who are struggling during financially difficult times, thus for

the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE CITY OF AVON LAKE,
LORAIN COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE
CITY, IN THE MATTER OF THE STATED DESCRIBED PROJECT,
AND DECLARING AN EMERGENCY.

WHEREAS, the State has identified the need for the project
described as follows:

The purpose of the project is to perform resurfacing on
State Route 83 from Detroit Road to US 6 which includes
resurfacing within the Avon Lake Corporation Limits.
Approximately 2.40 miles of this Project is within the Avon
Lake Corporation Limits. Construction is tentatively
scheduled to begin in calendar year 2016, now therefore;

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

Section No. 1: That being in the public interest, the
City of Avon Lake gives consent to the Director of
Transportation to complete the above described project.

Section No. 2: That the City shall cooperate with the
Director of Transportation for the portion of this project
within the Avon Lake Corporation Limits, as follows:

1. NOACA agrees to assume and bear eighty percent (80%)
of the roadway construction and construction
engineering costs;
2. The City agrees to assume and bear twenty percent
(20%) of the roadway construction and construction
engineering costs;
3. NOACA and the City agree that the following roadway
construction items are eligible for 80% NOACA/20%
City funding: pavement planning, asphalt overlay,
treatment of shoulder, height adjustment to existing
guardrail, temporary and fast dry pavement markings,
mailbox supports and approaches, work zone signs,
adjustments to catch basins, manholes, valve boxes,
partial and full depth pavement repairs, curbs, curb
ramps, sidewalks, city owned signs, guardrail
replacement of existing and required new locations
etc.
4. A preliminary cost estimate for the City's share of
this project is \$325,000 for construction costs and
\$10,000 for construction engineering (inspection).

Section No. 3: That upon completion of the described Project, and unless otherwise agreed, the City shall:

1. Provide adequate maintenance for the described Project in accordance with all applicable State and Federal law;
2. Provide ample financial provisions as necessary for the maintenance of the described project;
3. Maintain the right-of-way, keeping it free of obstructions, and hold said right-of-way inviolate for public highway purposes.

Section No. 4: That the City of Avon Lake agrees to be responsible for all utility accommodations, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursement shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section No. 5: 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. 6: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to expedite the highway project and promote highway safety, thus for the preservation of the public peace, health and safety of the City of Avon Lake. Therefore, this Ordinance shall be in full force and immediate effect upon its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

CERTIFICATE OF COPY
STATE OF OHIO

City of Avon Lake, Lorain County, Ohio

I, Barbara Dopp, Clerk of Council of the City of Avon Lake of Lorain County, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ adopted by the legislative Authority of the said City of Avon Lake on the 28th day of March, 2016, that the publication of such Ordinance No. _____ has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance No. _____ have been taken.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of March, 2016.

Clerk of Council
City of Avon Lake

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Avon Lake of Lorain County, Ohio

Attest: _____

Contractual Officer

Date: _____

For the State of Ohio

Attest: _____

Director, Department of
Transportation

Date: _____