

**VOTING ORDER**

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

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 May 9, 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:** April 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**

Approving a porch addition to the Old Firehouse Community Center and referring the item to Planning Commission – R. James.

Accepting the retirement of John Reulbach, City Prosecutor, on a date to be determined, and approving the rehiring of him also on a date to be determined at the same rate of compensation – J. Shondel.

Accepting the Deer Management Plan for the City of Avon Lake – J. Shondel.

## Legislation

### Third Readings:

Temporary Legislation #10645R2, authorizing an agreement with the Lorain County General Health District to provide health services to the City of Avon Lake.

Temporary Legislation #10647, amending Planning & Zoning Code Section 1240.06 (d) (8), Accessory Use Regulations.

Temporary Legislation #10657, authorizing the Mayor to enter into a lease agreement to acquire two Ford F750 plow trucks.

Temporary Legislation #10658, authorizing the purchase of a Fuelmaster System and software for the Public Works Department.

### Second Readings:

Temporary Legislation #10661, adopting a job description for the position of Law Director.→

Temporary Legislation #10663, amending Codified Ordinance Chapter 290, Affirmative Action Committee.→

Temporary Legislation #10664, approving a conditional use site plan for storage units on Pin Oak Parkway.

Temporary Legislation #10668R, fixing compensation ranges for Avon Lake Regional Water positions.

### First Readings:

Temporary Legislation #10669, approving a change order to the contract with Concrete & More.→

Temporary Legislation #10670, allowing wine to be sold, served, dispensed, and consumed at a one-day festival to be held at Veterans Memorial Park on June 25, 2016.

Temporary Legislation #10671, adopting a recommendation of the Human Resources Committee adjusting the wage rate of the Law Director.

Temporary Legislation #10672, amending the Codified Ordinances with the addition of Section 1024, Emergency Access Gates.

→Suspension of the rule requiring three readings

**Temporary Legislation #10673, providing for transfers.→**

**Temporary Legislation #10674, authorizing a Water Pollution Control Fund  
Extended Term Loan.→ (Draft copy – Final copy will be distributed)**

**Substitute Temporary Legislation #10645R2, authorizing an agreement with the  
Lorain County General Health District to provide health services to the City of  
Avon Lake.→**

**Miscellaneous Business and Announcements**

**Public Input**

**Adjournment**

BY: Mr. Meiners

TEMP NO: 10645R2

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 (the "Health District") for the City of Avon Lake to become a member of the Health District to receive health services substantially as set forth in Exhibit A attached hereto, ~~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 substantially in the form attached as Exhibit A hereto for the City to join Lorain County General Health District, effective as of \_\_\_\_\_, 201\_, and to execute and deliver all such other instruments and take all such other actions as the Mayor may deem necessary or appropriate for the City to become a member of the Lorain County General 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. 1: That the City of Avon Lake shall join the Health District, effective as of January 1, 2017.

Section No. 2: That the Clerk of Council shall transmit a certified copy of this Ordinance to the Health District to evidence the City's agreement to join the Health District.

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 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.

1<sup>st</sup> reading: 3/14/16  
2<sup>nd</sup> reading: 3/28/16  
3<sup>rd</sup> reading:

PASSED:	_____	_____
		President of Council
POSTED:	_____	_____
		Approved
ATTEST:	_____	_____
	Clerk of Council	Mayor

The Lorain County General Health District provides all mandatory services required in the Ohio Revised Code as well as additional services to prevent disease and promote the health of us all.



### **Environmental Health**

- Food Safety
- Solid Waste
- School Safety
- Pool Safety
- Rabies Prevention (animal bites investigation)
- Mosquito Control
- Water Quality
- Nuisance Complaints (bed bugs, rodents, etc.)
- Smoke Free Enforcement
- Beach Sampling

### **Maternal Child Health**

- Children with Medical Handicaps
- Child Fatality Review Board and Fetal-Infant Mortality Board
- Lead Poisoning
- Safe Sleep
- Newborn Home Visiting
- Prenatal Home Visits
- Women, Infants, and Children (WIC) Program
- Coordinated School Health

### **Epidemiology and Preparedness**

- Communicable Disease Monitoring
- Ebola/Zika Prevention
- Emergency Preparedness

### **Injury Prevention**

- Safe Communities Coalition
- Car Seat Program
- Safe Routes to School

### **Chronic Disease Prevention**

- Healthy Retail and Eating Initiatives
- Physical Activity Promotion
- Worksite Wellness
- Tobacco Prevention

### **Adult Health**

- Blood Pressure Screening
- Drug Repository (prescription assistance)
- Falls Assessment
- NARCAN Clinic/Project Dawn

BY: Mrs. Fenderbosch

TEMP NO: 10647

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

AN ORDINANCE AMENDING PLANNING & ZONING CODE  
SECTION 1240.06 (d) (8), ACCESSORY USE REGULATIONS.

WHEREAS, Planning Commission at its meeting of March 1, 2016 recommended to Council an amendment to Planning & Zoning Code Section 1240.06 (d) (8) regarding fences, 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 Planning & Zoning Code Section 1240.06 (d) (8) is hereby amended as follows:

1240.06 ACCESSORY USE REGULATION

(d) Fence Regulations in Standard Single Family Subdivisions

(8) Exceptions

**(E) Where the side yard property line of one residential property is also the rear yard property line of another property, that portion of the fence in the side yard that abuts the adjoining property's rear yard and that is installed at such property line shall be permitted rear yard regulations.**

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

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

1<sup>st</sup> reading: 3/14/16  
2<sup>nd</sup> reading: 4/25/16  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP NO. 10657

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

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT TO ACQUIRE TWO FORD F750 PLOW TRUCKS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has entered into a Cooperative Purchasing Program with the Ohio Department of Transportation (ODOT), and

WHEREAS, ODOT has advertised for bids for the lease of two Ford F750 Plow Trucks, and

WHEREAS, ODOT has determined that the bid submitted by Valley Ford Truck, Inc. of Cleveland, 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 Valley Ford Truck, Inc. of Cleveland, Ohio submitted through ODOT to supply the City with two Ford F750 Plow Trucks for the Public Works Department to be paid in six years at a total annual cost of \$59,463.80 be and it is hereby accepted and approved.

Section No. 2: That the Mayor is hereby authorized to enter into a lease agreement with Valley Ford Truck, Inc. to provide the City of Avon Lake with two Plow Trucks at a total annual cost of \$59,463.80 for six years, such Lease Agreement to be substantially in the form presented to Council with such changes as may be acceptable to the Mayor and the Law Director.

Section No. 3: That upon delivery to this City of two Ford F750 Plow Trucks with the proper specifications, to the full satisfaction of the Public Works Director and Director of Finance, then the Director of Finance is hereby directed to deliver to Valley Ford Truck, Inc. the warrant of this City in the lease amount specified in the Lease Agreement.

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 to provide the Public Works Department with serviceable equipment in order that they may promptly and efficiently perform their duties, and further to take advantage of the State purchase price, thus for the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 4/11/16  
2<sup>nd</sup> reading: 4/25/16  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP. NO. 10658

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

AN ORDINANCE AUTHORIZING THE PURCHASE OF  
A FUELMaster SYSTEM FOR THE PUBLIC WORKS  
DEPARTMENT, AND DECLARING AN EMERGENCY.

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

WHEREAS, quotations were solicited for the purchase of a Fuelmaster System and software for the Public Works Department, with Service Station Equipment Co. submitting the lowest and best bid, and

WHEREAS, Council coming now to consider said quotation has determined that the quotation submitted by Service Station Equipment Co. of Cleveland, Ohio, 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 a Fuelmaster System and software for the Public Works Department from Service Station Equipment Co. of Cleveland, Ohio in the amount of \$18,600.00 be and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City of a Fuelmaster System and software, with the proper specifications, to the full satisfaction of the Public Works Director and Director of Finance, then the Director of Finance is hereby directed to deliver to Service Station Equipment Co. of Cleveland, Ohio, the warrant of this City in the amount of \$18,600.00 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 Public Works Department with an updated system to allow individual fuel tracking for diesel, unleaded, and propane systems to ensure the most efficient 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.

1<sup>st</sup> reading: 4/11/16  
2<sup>nd</sup> reading: 4/25/16  
3<sup>rd</sup> reading:

PASSED:	_____	_____
		President of Council
POSTED:	_____	_____
		Approved
ATTEST:	_____	_____
	Clerk of Council	Mayor

BY: Mr. Shondel

TEMP NO: 10661

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

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

WHEREAS, it has been recommended by the Human Resources Committee that a job description for the position of Law 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 Law 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 shall take effect and be in force from and after the earliest date allowed by law.

1<sup>st</sup> reading: 4/25/16  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

CITY OF AVON LAKE  
POSITION DESCRIPTION

**LAW DIRECTOR**  
(Part-time)

March, 2016

Job Title: Law Director  
Department: Law Department  
Immediate Supervisor: Mayor  
Positions Supervised: Assistant Law Director  
City Prosecutor  
Zoning Administrator  
Civil Service Status: Unclassified  
FLSA Status: Exempt  
Bargaining Unit: None

**General Responsibilities:**

The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned and shall serve as legal counsel and attorney for the various officers and heads of the Municipality in the performance of their official duties. When required to do so by resolution of council, the Law Director shall prosecute or defend, as the case may be, for and in behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he shall by resolution or ordinance be directed to prosecute; but shall not be required to prosecute any action for the violation of a municipal ordinance without first advising such action. In general and without limitation as to particularity, the Law Director shall discharge the duties and functions of the Law Director of a municipality.

### **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;
- Demonstrate 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;
- Shall have engaged in the active practice of law continuously for a period of five (5) years preceding his appointment.
- Shall have been a resident and qualified elector of the Municipality for at least two (2) years prior to appointment.

### **Knowledge, Skills, and abilities:**

Position must possess knowledge of:

- The practice of law;
- Municipal government structure and process;
- State statutes, City Charter, City Ordinances, and other legislation affecting municipal operations;
- Legal research principles and practices;
- Trial practices and procedures;
- Management practices;
- Departmental policies and procedures;
- Budgetary procedures.

Position must have the ability to:

- Communicate effectively;
- Collect, analyze, and interpret data;
- Prepare and maintain accurate documentation;
- Develop and maintain working relationships with co-workers, elected officials, other professionals, and the general public.

### **SPECIFIC DUTIES:**

- Prepare for and represents or directs the representation of the City in matters of litigation;
- Conduct research and provides consultation and/or legal opinions to the Mayor, City Council, City Boards and Commissions, or other representatives of the City;
- Prepare and/or review contracts, ordinances, resolutions, and other documents or instruments requested by the Mayor or City Council;
- Attend City Council meetings in order to discuss legal issues involving the City;
- Represent the City in meetings with other government or private sector agencies to discuss or attempt to resolve legal issues;
- Direct the operation of the law department;

- Maintain required licensure and certification;
- Perform other related duties as assigned.

*The position 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. Shondel

TEMP NO: 10663

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

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 290, AFFIRMATIVE ACTION COMMITTEE.

WHEREAS, the Human Resources Committee at its meeting of April 11, 2016 recommended to Council an amendment to Codified Ordinance Chapter 290, 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 Codified Ordinance Chapter 290 is hereby amended as follows:

**CHAPTER 290 Affirmative Action ~~Committee~~ Commission**

EDITOR'S NOTE: Resolution 55-84, passed March 26, 1984, adopted a minority business enterprise program to provide a policy of equal opportunity in the contracting of business enterprises. Copies of such Resolution and of the Policy Statement may be obtained, at cost, from the Clerk of Council.

**290.01 ESTABLISHMENT; COMPOSITION.**

There is hereby established in and for the City an Affirmative Action ~~Committee~~ **Commission**. The ~~Committee~~ **Commission** shall consist of the Director of Finance, the Chairperson of the Human Resources Committee and one citizen member to be appointed by Council for the term of Council.

(Res. 122-85. Passed 10-14-85; Ord. 146-06. Passed 12-18-06.)

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

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

1<sup>st</sup> reading: 4/25/16

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mrs. Fenderbosch

TEMP NO: 10664

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

AN ORDINANCE APPROVING A CONDITIONAL USE SITE  
PLAN FOR STORAGE UNITS ON PIN OAK PARKWAY.

WHEREAS, Planning Commission has at its meeting of April 5, 2016, recommended the approval of a Conditional Use Site Plan to construct a storage unit complex on Pin Oak Parkway west of Avon Belden Road, now therefore;

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

Section No. 1: That after approval by Planning Commission and review by this Council, Council hereby confirms the recommendation of approval by Planning Commission of a Conditional Use Site Plan to construct a storage unit complex on Pin Oak Parkway west of Avon Belden Road.

Section No. 2: That the proposed storage unit complex will consist of single story buildings within a secured fenced complex including an additional emergency gate.

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. 3: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

1<sup>st</sup> reading: 4/25/16

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mr. Shondel

TEMP NO: 10668R

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

AN ORDINANCE FIXING COMPENSATION RANGES FOR  
AVON LAKE REGIONAL WATER POSITIONS, **AND REPEALING  
ORDINANCE NO. 133-87.**

WHEREAS, the Avon Lake Board of Municipal Utilities has established a policy regarding pay ranges for positions within the utility, and

WHEREAS, this policy is used to determine appropriate rates of compensation for existing and prospective employees, and

WHEREAS, the Board of Municipal Utilities must pay locally and nationally competitive salaries in order to attract and retain appropriate talent, and

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

WHEREAS, it is the intention of Avon Lake Regional Water to have compensation ranges for positions fixed, and

**WHEREAS, it is the intention of the administration to eliminate the PERS pick-up benefit granted under Ordinance No. 133-87, now therefore;**

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

Section No. 1: That the following compensation ranges are hereby fixed as follows:

WATER POLLUTION CONTROL MANAGER	\$31.54	to	\$44.81 /hour
WATER FILTRATION PLANT MANAGER	\$31.88	to	\$45.23 /hour
MANAGER OF DISTRIBUTION AND COLLECTION	\$35.49	to	\$51.77 /hour
ENGINEERING SERVICES MANAGER	\$43.11	to	\$63.55 /hour
CHIEF OF UTILITIES OPERATIONS	\$44.21	to	\$65.18 /hour
CHIEF UTILITIES EXECUTIVE	\$56.55	to	\$83.37 /hour
COMMUNITY OUTREACH SPECIALIST	\$22.10	to	\$44.20 /hour
<del>BILLER BOOKKEEPER II</del>	<del>\$20.05</del>	<del>to</del>	<del>\$22.73 /hour</del>
GIS ANALYST	\$24.02	to	\$34.99 /hour

Section No. 2: That these compensation ranges are set for one ~~three~~ year from the effective date of passage, and new ranges must be established or wages fixed for subsequent years.

**Section No. 3: That Ordinance No. 133-87, authoring a pick-up program for non-bargaining unit employees of the Utilities Department, is hereby repealed.**

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

1<sup>st</sup> reading: 4/25/10

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

\_\_\_\_\_  
Approved

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

Clerk of Council

\_\_\_\_\_  
Mayor

BY: Mr. James

TEMP NO: 10669

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

AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH CONCRETE AND MORE, AND DECLARING AN EMERGENCY.

WHEREAS, it has been found that a change order to the contract with Concrete & More is needed for additional foundation work, and

WHEREAS, the Council has reviewed said expenditure and approves said change order for an amount not to exceed \$3,027.20, now therefore;

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

Section No. 1: That the \$3,027.20 change order to the contract with Concrete & More is hereby approved and accepted.

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 approving a change order to authorize additional foundation work to ensure the stability of this popular public facility, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

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

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

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

BY: Mr. Kos

TEMP NO: 10670

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

AN ORDINANCE ALLOWING WINE TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY FESTIVAL TO BE HELD AT VETERANS MEMORIAL PARK ON JUNE 25, 2016, AND DECLARING AN EMERGENCY.

WHEREAS, subsection 1070.02(1) of the Codified Ordinances of the City prohibits the sale of intoxicating liquor in any park, and

WHEREAS, City Council has determined that it would benefit the City to allow Avon Lake Waterfront Corporation to hold a one-day wine festival at Veterans Memorial Park on June 25, 2016, and

WHEREAS, in order to permit such wine festival to take place, City Council must adopt an ordinance creating a one-time exception to the prohibition of subsection 1070.02(1) of Avon Lake Codified Ordinances, now therefore;

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

Section No. 1: That, notwithstanding the prohibition of subsection 1070.02(1) of Avon Lake's Codified Ordinances, Avon Lake Waterfront Corporation shall have the right to conduct a wine festival at Veterans Memorial Park on June 26, 2016.

Section No. 2: That, provided the necessary State liquor permits are obtained, wine may be sold, served, distributed, and consumed at such wine festival.

Section No. 3: That this Ordinance shall not in any way modify the prohibition of subsection 1070.02(1) of Avon Lake's Codified Ordinances against the presence of intoxicating liquor and intoxicated persons at any other park, beach, park building or recreational area (including but not limited to, the Lake House), nor shall this Ordinance permit wine (of any other intoxicating liquor) to be sold, served, distributed or consumed at Veterans Memorial Park on any date other than that specifically authorized by Sections 1 and 2 hereof.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in

meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to file the necessary paperwork in a timely manner to allow the event to take place in order to promote Avon Lake businesses and bring economic growth to the City, thus for the public welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mr. Shondel

TEMP. NO: 10671

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

AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF THE LAW DIRECTOR, AND DECLARING AN EMERGENCY.

WHEREAS, the Administration and Human Resources Committee have recommended a wage adjustment for Abraham Lieberman, Law Director, and

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

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

Section No. 1: That Abraham Lieberman is hereby granted a wage adjustment in the amount of \$2,102 bi-weekly effective May 9, 2016.

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 equitably compensating personnel for job performance. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

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

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES WITH THE ADDITION OF SECTION 1024, EMERGENCY ACCESS GATES, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety Committee recommended to Council an amendment to the Codified Ordinances with the addition of Section 1024, Emergency Access Gates, 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 Codified Ordinances are hereby amended with the addition of Section 1024 as follows:

**CHAPTER 1024**

**Emergency Access Gates**

**1024.01 DEFINITIONS.**

As used in this chapter:

- (a) "Association" means a condominium association or owners association governing all or any portion of a gated community.
- (b) "Gate" means a gate, crossbar, door or other obstructive device that is utilized for the purpose of restricting, controlling or obstructing entry or exit by motor vehicles or pedestrians to or from a private road and that is not manned on a twenty-four hour, seven day per week basis by a person capable of providing immediate access to a police or fire safety vehicle or person.
- (c) "Gated community" means a residential subdivision, apartment complex, condominium development, planned unit development or other residential development access to which is controlled by a gate.
- (d) "Gated community lot" means a lot in a gated community.
- (e) "Private road" means any road that has not been dedicated as a public right-of-way, that is owned by abutting property owners or association of property owners, and that is utilized for the purpose of providing vehicular or pedestrian access to a residential subdivision, apartment complex, condominium development or other residential development. Private driveways serving one single-family residence shall not be deemed private roads.
- (f) "Responsible party" means the person or entity designated in accordance with section 1024.05.

**1024.02 PERMIT REQUIRED.**

No gate may be installed or maintained on a private road unless a permit issued by the Fire Chief for such gate is in effect and such gate complies with the requirements of this chapter.

**1024.03 APPROVAL PROCESS.**

Application for a gate permit shall be submitted on the form approved by the Fire Chief. A gate permit shall be issued only if and when the Fire Chief determines that the gate will

comply with all the requirements of this chapter and will not pose a danger to persons or property.

**1024.04 SUBMITTALS FOR ORIGINAL GATE PERMIT.**

Each application for an original gate permit must include or be accompanied by:

- (a) The names and contact information for all officers of each association governing any of the gated community lots;
- (b) The name and contact information for any management company retained by any association governing any of the gated community lots;
- (c) The names, addresses and contact information for all owners of gated community lots that are not governed by an association;
- (d) The written consent of each association governing any of the gated community lots;
- (e) The written consent of the owners of all gated community lots not governed by an association. For any gated community lot that is owned jointly or in common by more than one person or entity, the written consent of those persons or entities owning more than fifty percent in interest shall be sufficient;
- (f) A site plan of the area in which the gate is to be located, drawn to scale;
- (g) Plans and specifications for the gate, including method of operation, UL listing numbers of equipment used, and location of radio operated controller and keypad;
- (h) The name and contact information for the contractor who will install the gate; and
- (i) Designation of a responsible party acceptable to the Fire Chief, contact information for the responsible party, and an acknowledgement by the responsible party that he, she or it agrees to and assumes the obligations imposed upon him, her or it by this chapter.

**1024.05 RESPONSIBLE PARTY; UDATE OF CONTACT INFORMATION.**

(a) A responsible party must be designated for each gate installed or maintained. The responsible party must reside or maintain an office in Lorain County, Ohio. The responsible party shall be primarily liable for the performance of all obligations imposed by this chapter with respect to the installation and maintenance of the gate and the payment of all fees and fines imposed by this chapter with respect to the gate.

(b) The names and contact information required by items (a), (b) and (i) of Section 1024.04 must be kept current at all times. The responsible party shall notify the Fire Chief in writing not later than 48 hours of a change in such information.

**1024.06 OPERATION OF GATES.**

(a) Gates must be electrically operated.

(b) Wiring for gates shall be provided by AC current, underground installation.

(c) Gates must fail to the open position when the power is off, and must remain open until power is restored.

(d) As their primary means of emergency access, gates must use one of the following access control systems:

- (1) A radio controlled system equipped with a radio receiver capable of receiving access commands from public safety radio transceivers used by the City's fire department and police department; or
- (2) Any other system approved by the Fire Chief.

(e) As their secondary means of emergency access, gates must be accessible by a digital keypad using a code designated by the Fire Chief. The keypad must be attached to the outside of the gate and must be easily visible from vehicles used by emergency responders.

(f) Gates must be lighted sufficiently to allow for visibility at night without the use of any additional external light source.

(g) A conspicuous sign approved by the Fire Chief shall be attached to or placed near each gate indicating the method for gaining emergency access and the location of any control device that must be manually accessed.

(h) Gates and their means of emergency access must be maintained in good working condition.

#### **1024.07 INSTALLATION AND APPROVAL.**

A gate may be installed only in accordance with the plans and specifications therefor approved by the Fire Chief. Before a gate may be used to control access, it must be inspected and approved by the fire department to ensure that it has been properly installed, that it complies with the plans and specifications approved by the Fire Chief and that it is in good working condition.

#### **1024.08 DURATION AND RENEWAL OF PERMIT.**

Unless earlier revoked in accordance with section 1024.12, a gate permit shall expire on the day preceding the fifth anniversary of its issuance. Application to renew a gate permit shall be submitted on the form provided by the Fire Chief.

#### **1024.09 PERMIT FEES.**

The fees for gate permits shall be as specified in Chapter 208 of the Administration Code – General Fee Schedule.

#### **1024.10 MAINTENANCE.**

Gates must be maintained in good working condition at all times.

#### **1024.11 PERIODIC INSPECTIONS.**

Each gate shall be inspected at least annually by the fire department to ensure that the gate and its emergency access systems are in good working condition and that such gate is in compliance with the provisions of this chapter.

#### **1024.12 REVOCATION OF PERMIT.**

The Fire Chief may revoke the permit for any gate that is not in good working condition or that is otherwise not in compliance with the provisions of this chapter.

#### **1024.13 REMOVAL OF NON-CONFORMING GATE.**

The Fire Chief shall have the right to remove or order the removal of any gate that doesn't function properly, violates any section of this chapter or for which there is not a valid and current permit, and neither the City, the Fire Chief nor any employee or official of the City shall be liable for any damage caused by such removal.

#### **1024.14 NON-LIABILITY FOR DAMAGE TO GATE.**

Neither the City, Fire Chief nor any employee or official of the City shall be liable for damage to a gate if in responding to an emergency or perceived emergency or for any other authorized purpose City employees or officials deem it necessary to damage or remove the gate to gain access to any gated community or gated community lot.

#### **1024.15 DIRECTIONAL BARRIERS PROHIBITED.**

Direction-limiting devices, such as tire spikes, are not permitted on any fire access road.

#### **1024.16 EXISTING GATES.**

The owners of gates already in existence on the effective date of this chapter must comply with the provisions of this chapter and obtain permits for such gates or remove such gates within one hundred eighty (180) days after the effective date of this chapter.

**1024.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both.

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 emergency access gates to allow for prompt access of the safety forces coming to the aid of the residents, 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.

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

PASSED: _____	_____
	President of Council
POSTED: _____	_____
	Approved
ATTEST: _____	_____
Clerk of Council	Mayor

BY: Mr. Meiners

TEMP NO: 10673

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

AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY.

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

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

Section No. 1: That the following transfers be executed for the months of May:

From 204	Income Tax Transfer Fund	\$759,375.00
To 101	General Fund	\$609,375.00
To 207	Income Tax Capital Improvement Fund	\$62,500.00
To 301	Bond Retirement (Unvoted) Fund	\$87,500.00

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

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of transferring funds for the current and necessary expenses of the City of Avon Lake, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

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

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

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

\_\_\_\_\_  
Approved

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

Clerk of Council

\_\_\_\_\_  
Mayor

DRAFT

BY: Mr. Meiners

TEMP. NO. 10674

[ORDINANCE] [RESOLUTION] No. \_\_\_\_\_

[AN ORDINANCE] [A RESOLUTION] OF THE [NAME OF LOCAL GOVERNMENT ISSUER] AUTHORIZING THE ISSUANCE OF A BOND OF THE ISSUER IN A PRINCIPAL AMOUNT NOT TO EXCEED [\_\_\_\_\_] DOLLARS (\$[\_\_\_\_]) FOR SALE TO THE WATER POLLUTION CONTROL LOAN FUND OF THE STATE OF OHIO TO FINANCE THE COSTS OF IMPROVEMENTS TO THE ISSUER'S WASTEWATER SYSTEM; PLEDGING CERTAIN REVENUES FROM THE ISSUER'S WASTEWATER SYSTEM ON A SUBORDINATED BASIS TO SECURE THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE BOND AND THE TRUST AGREEMENT AND OTHER DOCUMENTS AND THE TAKING OF OTHER ACTIONS RELATED TO THE ISSUANCE AND SALE OF THE BOND [ADDED: ANY ADDITIONAL WORDING REGARDING DECLARING EMERGENCY OR OTHER LOCAL PROCEDURAL REQUIREMENTS]

WHEREAS, the [NAME OF LOCAL GOVERNMENT ISSUER] (the "Issuer") seeks to acquire or construct additions or improvements (the "Project") to its wastewater system (the "System"); and

WHEREAS, the Issuer has applied for financial assistance for the Project from the Water Pollution Control Loan Fund of the State of Ohio (the "WPCLF") and has requested that such financial assistance be repaid to the WPCLF over a period of thirty (30) years; and

WHEREAS, in order for the WPCLF to provide financial assistance for the Project to the Issuer and to allow that assistance to be repaid over a period in excess of twenty (20) years, the obligation of the Issuer to repay that assistance must take the form of a bond of the Issuer to be purchased by the WPCLF acting by and through the Ohio Water Development Authority ("OWDA") and the Director of Environmental Protection, as the Director of the Environmental Protection Agency of the State of Ohio (the "Director" and, together with the OWDA, the "State");

WHEREAS, the State requires the Issuer to adopt legislation that (i) approves the application for financial assistance from the WPCLF, (ii) authorizes the issuance and sale of a bond to the State; and (iii) authorizes the execution and delivery of the bond and the related trust agreement and other documents and the taking of other actions related to the issuance and sale of the bond;

WHEREAS, the Issuer is authorized under [CITATION OF APPLICABLE CONSTITUTIONAL, STATUTORY OR CHARTER PROVISIONS] to adopt this [Ordinance] [Resolution] (the "Legislation") and to issue debt obligations of the character of the Bond hereby authorized for the purpose of financing improvements to the System;

[TO BE ADDED, ANY ADDITIONAL RECITALS REGARDING DECLARATION OF THE ORDINANCE OR RESOLUTION AS AN EMERGENCY MEASURE OR ADDRESSING OTHER LOCAL PROCEDURAL REQUIREMENTS]

NOW, THEREFORE, BE IT [ORDAINED] [RESOLVED] by the [NAME OF LEGISLATIVE AUTHORITY OF ISSUER] (the "Legislative Authority") of the [NAME OF LOCAL GOVERNMENT ISSUER]:

SECTION 1. This Legislative Authority has determined that it is in the best interest of the Issuer to issue, and that the Issuer shall issue, a Wastewater System Subordinated Revenue Bond, Series [SERIES] (the "Bond") in a principal amount not to exceed [ ] dollars (\$[ ]) for sale to the WPCLF acting by and through the State to finance the costs of improvements to the System.

SECTION 2. The Bond shall be issued substantially in the form thereof placed on file with the [CLERK/SECRETARY] of this Legislative Authority, including the Trust Agreement, to be dated as of the same date as the Bond (together with Exhibit 1 incorporated therein, the "Agreement"), which is attached to the Bond as Exhibit A and is incorporated therein in its entirety, among the Issuer, the OWDA and the Director. The principal amount of the Bond (referred to in the Agreement as the "Project Participation Principal Amount") shall be payable on the dates and in the amounts specified in the Agreement, shall not be subject to redemption prior to maturity, and shall bear interest on the outstanding principal amount payable at the rate or rates and on the dates specified in the Agreement and constituting a portion of the payments referred to in the Agreement as the "Semi-Annual Payments" until the principal amount is paid or provided for. The Bond is issued, payable and secured on the terms and subject to the conditions set forth in the Agreement, including, without limitation, the Issuer's covenant in the Agreement that it will fix and revise the rates and charges for the products, services and facilities of the System and collect and account for income and revenue therefrom to comply with the Agreement's requirements.

SECTION 3. The [OFFICIALS AUTHORIZED TO SIGN BOND AND TRUST AGREEMENT ON BEHALF OF ISSUER, e.g., MAYOR AND FINANCE DIRECTOR] (the "Authorized Officials") are authorized to execute and deliver the Bond and the Trust Agreement in the name and on behalf of the Issuer, substantially in the respective forms thereof placed on file with the [CLERK/SECRETARY] of this Legislative Authority, but with such changes (other than to the items specified in Exhibit 1 to the Trust Agreement) as the Authorized Officials determine to be in the best interest of the Issuer and not inconsistent with this Legislation, which determination shall be conclusively evidenced by the execution of the Bond and the Trust Agreement by the Authorized Officials.

SECTION 4. The Bond shall be a special obligation of the Issuer. The Bond is payable as to principal and interest solely from the revenues defined in the Agreement as the "Pledged Revenues" and is secured by the pledge of the Pledged Revenues under the Agreement on the subordinated basis set forth therein; provided, however, that any pledge or assignment of or lien on any fund, account, receivables, revenues, money or other intangible property not in the custody of the State shall be valid and enforceable only to the extent permitted by law. The Issuer covenants that it will promptly pay from such sources the principal of and interest on the Bond issued under the Trust Agreement on the dates and in the manner provided in the Bond and in the Agreement, according to the true intent and meaning thereof.

[TO BE ADDED: ANY ADDITIONAL WORDING REGARDING SECURITY AND PRIORITY THAT THE ISSUER DEEMS NECESSARY TO CONFORM THIS LEGISLATION AND THE AUTHORIZED BOND TO REQUIREMENTS OF ANY EXISTING BOND TRUST AGREEMENT REGARDING ADDITIONAL DEBT AND SUBORDINATED DEBT]

Nothing in this Legislation, the Bond or the Agreement shall constitute a general obligation debt or tax-supported bonded indebtedness of the Issuer; the general resources of the Issuer shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the Issuer are or shall be pledged, for the performance of any duty under the Bond or the Agreement. Nothing in the Bond or the Agreement gives the holder of the Bond, and the holder shall not have, the right to have excises or taxes

levied by this Legislative Authority for the payment of the principal of or interest on the Bond or any other payment obligation of the Issuer under the Bond or the Agreement, but the Bond is payable solely from the Pledged Revenues as provided in the Bond and the Agreement, and the Bond shall contain a statement to that effect; provided, however, that nothing shall be deemed to prohibit the Issuer, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Bond or the Agreement.

SECTION 5. The Bond shall be sold to the State for the amount defined in the Agreement as the "Bond Purchase Price," i.e., the aggregate amount paid by the State to the Issuer for the purchase of the Bond through one or more disbursements from the WPCLF for "Eligible Project Costs" (as defined in the Agreement) pursuant to the Agreement, each of which disbursements shall constitute the payment of the purchase price at par for the equivalent amount of the principal of the Bond.

It is hereby determined by this Legislative Authority that the terms of the Bond, the procedures for their sale, and the price to be paid for them, all as established in accordance with this Legislation and the Agreement, are and will be in the best interest of the Issuer and in compliance with all legal requirements.

The Authorized Officials, the [CHIEF LEGAL OFFICER] and the [CLERK/SECRETARY] are authorized to make the necessary arrangements on behalf of the Issuer to establish the date, location, procedure and conditions for the delivery of the Bond to the State and to take all actions necessary to effect due signing, authentication and delivery of the Bond under the terms of this Legislation and the Agreement.

SECTION 6. The Issuer, by issuance of the Bond, covenants and agrees with the State as holder of the Bond to perform its covenants and agreements set forth this Legislation and in the Bond and the Agreement.

SECTION 7. This Legislative Authority finds and determines that all formal actions of this Legislative Authority and any of its committees concerning and relating to the passage of this Legislation were taken in an open meeting of this Legislative Authority or committee, and that all deliberations of this Legislative Authority and of any committee that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 8. This Legislation shall take effect and be in force from and after the earliest period allowed by law. [TO BE MODIFIED AND SUPPLEMENTED AS NECESSARY TO CONFORM WITH ISSUER'S REQUIREMENTS FOR EMERGENCY MEASURES AND OTHER PROCEDURAL REQUIREMENTS.]

[TO BE ADDED: ISSUER'S STANDARD WORDING REGARDING PASSAGE AND SIGNATURE]

REGISTERED  
NO. R-1

AMOUNT  
\$[AMOUNT]

STATE OF OHIO  
COUNTY OF [COUNTY]

[ISSUER]

WASTEWATER SYSTEM SUBORDINATED REVENUE BOND, SERIES [SERIES]

The [ISSUER] (the "Issuer"), for value received, promises to pay to the State of Ohio (the "State") acting by and through the Ohio Water Development Authority (the "OWDA") and the Director of Environmental Protection of the State of Ohio (the "Director"), but solely from the sources and in the manner set forth in the Trust Agreement, dated as of [DATE] (together with the Term Sheet incorporated therein, the "Agreement," which is attached hereto as Exhibit A and is incorporated herein in its entirety), among the Issuer, the OWDA and the Director, the principal amount (referred to in the Trust Agreement as the "Project Participation Principal Amount") of \$[AMOUNT] at the times and in the amounts specified in the Agreement, with interest on the outstanding principal amount payable at the rate or rates and on the dates specified in the Agreement and constituting a portion of the payments referred to in the Agreement as the "Semi-Annual Payments") until the principal amount is paid or provided for. The principal amount is subject to reduction under the Agreement's provisions for adjustment of Semi-Annual Payments, with consequent potential adjustment in the amounts of principal and interest payable on any payment date. Principal and interest are payable when due by check or draft mailed or wire transferred to or for the account of the State in accordance with the Agreement.

This Bond is issued for the purpose of paying a portion of the cost of acquisition, construction or equipping of facilities for or improvements to the Issuer's wastewater system described on the Term Sheet in the Agreement (the "Project"), under authority of, pursuant to and in full compliance with Section 133.08 of the Revised Code, and an ordinance or resolution duly passed by the legislative authority of the Issuer.

**THIS BOND DOES NOT CONSTITUTE A GENERAL OBLIGATION OF THE ISSUER, AND THE GENERAL CREDIT AND TAXING POWER OF THE ISSUER ARE NOT PLEDGED, AND ITS GENERAL AND ORDINARY FUNDS ARE NOT OBLIGATED TO BE USED, FOR THE PAYMENT OF ALL OR ANY PART THEREOF OR THE INTEREST THEREON; AND THE STATE DOES NOT HAVE AND SHALL NOT HAVE ANY RIGHT TO HAVE ANY EXCISES OR TAXES LEVIED BY THE TAXING AUTHORITY OF ANY POLITICAL SUBDIVISION, INCLUDING THE ISSUER, FOR THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THIS BOND.**

This Bond is payable as to principal and interest solely from the revenues defined in the Agreement as the "Pledged Revenues" and is secured by the pledge of the Pledged Revenues under the Agreement on the subordinated basis set forth therein. Among other things, the Issuer, acting through its legislative authority, has covenanted in the Agreement that it will fix and revise the rates and charges for the products, services and facilities of the System (as defined therein) and collect and account for income and revenue therefrom to comply with the Agreement's requirements. Reference is hereby made to the Agreement for a more complete description of the nature and extent of the security for this Bond, the rights of the State and of the Issuer with respect to such security, and the terms and conditions upon which this Bond is, and is to be, issued and secured. To the extent and in the manner permitted by the terms of the Agreement, any covenant, condition or provision of the Agreement or any supplement thereto may be modified or amended, without necessity for notation hereon of reference thereto, by the Issuer by ordinance or resolution of its legislative authority and with the written consent of the State, documented as specified in the Agreement.

If an Event of Default, as defined in the Agreement, shall occur the State shall be entitled to institute any suit, action or proceeding at law or in equity to enforce any rights or remedies granted by the Agreement.

It is certified and recited that there have been performed and have happened in regular and due form, as required by law, all acts and conditions necessary to be done or performed by the Issuer or to have happened precedent to and in the issuing of this Bond in order to make it the legal, valid and binding special obligation of the Issuer; that

payment in full for this Bond has been received in the form of the State's execution and delivery of the Agreement and incurrence of its obligations thereunder; and that this Bond does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the [OFFICIAL1] and the [OFFICIAL2] of the Issuer, in the name and on behalf of the Issuer, and for the seal of the Issuer, or a facsimile thereof, to be affixed hereto, all as of [DATE].

\_\_\_\_\_  
[OFFICIAL1]

\_\_\_\_\_  
[OFFICIAL2]

[Seal of the Issuer]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the Agreement referred to therein.

Date of Registration and Authentication: [DATE]

By: \_\_\_\_\_  
[FINANCE\_OFFICIAL]

Registrable and Payable at:  
The Office of the [FINANCE\_OFFICIAL]  
[ISSUER]

BY: Jennifer Fenderbosch

SUBSTITUTE TEMP NO: 10645R2

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 that the City of Lorain will terminate their own health department on or before December 31, 2016 and will join the Lorain County General Health District, and

WHEREAS, the City of Avon Lake desires to join the Lorain County General Health District to assure health services for its residents, and

WHEREAS, the City of Avon Lake desires pursuant to Ohio Revised Code Section 3709.07 to enter into an agreement with the Lorain County General Health District to join the Lorain County General Health District;

WHEREAS, the City of Avon Lake desires to protect the right to vote for its residents on any special tax levy for the Lorain County General Health District under Ohio Revised Code Section 3709.29; now therefore;

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

Section No. 1: That the City Council supports the joinder of the City of Avon Lake with the Lorain County General Health District;

Section No. 2: That the Mayor is hereby authorized and directed to negotiate an agreement substantially in the form attached as Exhibit A hereto for the City of Avon Lake to join the Lorain County General Health District, effective as of August 1, 2016, and which agreement shall provide that the City of Avon Lake shall have its own representative and board member on the Lorain County General Health District Board, and which agreement

must be accepted, approved and executed by the District Advisory Council of the Lorain County General Health District on or before June 30, 2016, and to execute and deliver all such other instruments and take all such other actions as the Mayor may deem necessary or appropriate for the City to become a member of the Lorain County General Health District.

Section No. 3: That the final agreement negotiated by the Mayor of the City of Avon Lake with the Lorain County General Health District to the extent that such final agreement contains terms, provisions or conditions which vary or conflict with those provided for in Section 2 above, shall be presented before City Council for its approval or rejection;

Section No. 4: The City of Avon Lake, in order to protect the right to vote of its residents with respect to any special tax levy under Ohio Revised Code Section 3709.29, in the event that the union with the Lorain County General Health District effective date is other than August 1, 2016, and is delayed such that the residents will not have the right to vote upon the special tax levy under Ohio Revised Code Section 3709.29 for the Lorain County General Health District on the ballot for the general election held on November 8, 2016, then this Ordinance pursuant to Section 9A of the City Charter of Avon Lake, shall be submitted to the electorate for their approval or rejection at the general election to be held on November 8, 2016, and the City Council shall take any and all necessary action and steps to place this Ordinance on the ballot for the general election to be held on November 8, 2016.

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 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.

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

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

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

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

**Union of General Health District and More than One City  
with Combined Board of Health**

**Contract for Union (Authority - O.R.C. Section 3709.07)**

WHEREAS, the District Advisory Council of the Lorain County, Ohio General Health District, at a regular meeting held March 6, 1961, by a majority vote of members representing the townships and villages, voted affirmatively on the question of union with the City Health Districts of Oberlin, Amherst, North Ridgeville, Avon, Sheffield Lake, and Avon Lake, and authorized the chairman to enter into a contract with the mayors of these cities to combine the health districts; and

WHEREAS, the councils of the aforementioned cities, at regular meetings held during the period December 18, 1961 through February 19, 1962, by a majority vote of council members, voted affirmatively on the question of union with the Lorain County General Health District, and authorized their respective city managers or mayors to enter into a contract with the chairman of the District Advisory Council to combine the health districts; and

WHEREAS, the final Contract to such effect and for such purpose was signed by representatives of these cities and was filed with the Ohio Department of Health on March 1, 1962; and

WHEREAS, the City of Avon Lake, in 1974, determined to cease its participation in the combined health district; and, as a result, the District Advisory Council determined to restructure the combined health district and to initiate amendments to the original Contract for Union; and

WHEREAS, the Councils of the Cities of North Ridgeville, Sheffield Lake, Oberlin, Amherst, and Avon, at regular meetings held during the period December 20, 1982 through April 25, 1983, by a majority vote of council members, voted affirmatively to restructure the combined health district, and authorized their respective city managers or mayors to enter into a contract with the chairman of the District Advisory Council to effect such restructuring; and

WHEREAS, the final contract to such effect and for such purposes was signed by representatives of these cities and was filed with the Ohio Department of Health on February 2, 1984; and

WHEREAS, as a result, these cities and the District Advisory Council, on behalf of the villages and townships newly agreed, in pertinent part, and continued to agree, in pertinent part, from the original Contract for Union, as follows:

1. The administration of public health services for the combined health district shall be the responsibility of a combined board of health representing the following described areas:
  - Area No. 1: Cities of Oberlin and Amherst
  - Area No. 2: City of North Ridgeville
  - Area No. 3: Cities of Sheffield Lake and Avon
  - Area No. 4: All townships and villages not covered by existing city health districts
  
2. The Combined Board of Health shall consist of seven (7) members, each of whom shall serve for a term of four (4) years. One member shall be regularly appointed to represent Area No. 1 by joint action of the City Manager of the City of Oberlin and the Mayor of the City of Amherst, with approval by the legislative authorities of said cities; one member shall be regularly appointed to represent Area No. 2 by the Mayor of the City of North Ridgeville, with approval by the legislative authority of said city; one member shall be regularly appointed to represent Area No. 3 by joint action of the Mayors for the Cities of Avon and Sheffield Lake, with approval by the legislative authorities of said cities; and four (4) members shall be regularly appointed to represent Area No. 4 (the townships and villages) by the District Advisory Council; and

WHEREAS, the Ohio General Assembly, by virtue of Senate Bill 136 and Ohio Revised Code Section 3709.41, required the creation of a Licensing Council for the Lorain County General Health District, the members of which shall represent each business activity licensed by the Lorain County Health Department; and

WHEREAS, this Licensing Council is empowered and required to appoint, and has appointed, one of its members to the Board of Health of the Lorain County General Health District; and

WHEREAS, the net effect of Senate Bill 136 has been to reduce the number of appointments to the Board of Health to which the townships and villages are entitled under the Contract for Union; and

WHEREAS, the District Advisory Council, at a regular meeting held March 7, 2002, by unanimous vote of all members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the chairperson to sign an Amended Contract for Union to such effect; and

WHEREAS, the City of Oberlin, at a regular meeting held April 15, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the City Manager to sign an Amended Contract for Union to such effect (Ordinance No. 02-43);

WHEREAS, the City of Amherst, at a regular meeting held May 13, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No. O-02-48);

WHEREAS, the City of North Ridgeville, at a regular meeting held June 17, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No. 3810-2002);

WHEREAS, the City of Avon, at a regular meeting held June 10, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No. 98-02);

WHEREAS, the City of Sheffield Lake, at a regular meeting held July 9, 2002, by a majority vote of council members present, voted affirmatively to increase the size of the Board of Health from seven (7) to eight (8) members; to increase the term of office of each member from four (4) to five (5) years; and to authorize the Mayor to sign an Amended Contract for Union to such effect (Ordinance No. 46-02);

NOW THEREFORE, the Lorain County District Advisory Council and the Cities of Oberlin, Amherst, North Ridgeville, Avon and Sheffield Lake, through the signatures below of their duly authorized representatives, agree as follows:

1. The administration of public health services for the combined health district shall continue to be the responsibility of a combined board of health representing the following described areas:  
Area No. 1: Cities of Oberlin and Amherst  
Area No. 2: City of North Ridgeville  
Area No. 3: Cities of Sheffield Lake and Avon  
Area No. 4: All townships and villages not covered by existing city health districts
2. The Combined Board of Health shall consist of eight (8) members, each of whom shall serve for a term of five (5) years. One member shall be regularly appointed to represent Area No. 1 by joint action of the City Manager of the City of Oberlin and the Mayor of the City of Amherst, with approval by the legislative authorities of said cities; one member shall be regularly appointed to represent Area No. 2 by the Mayor of the City of North Ridgeville, with approval by the legislative authority of said city; one member shall be regularly appointed to represent Area No. 3 by joint action of the Mayors for the Cities of Avon and Sheffield Lake, with approval by the legislative authorities of said cities; one member shall be regularly appointed by the Lorain County Licensing Council; and four (4) members shall be regularly appointed to represent Area No. 4 (the townships and villages) by the District Advisory Council;
3. The Chairperson of the newly constituted Board of Health shall have no vote on matters which come before such Board except when necessary to break a tie vote;
4. The Appointing Authority for members of the Licensing Council shall be the District Advisory Council;
5. The Original Contract for Union, filed with the Ohio Department of Health on March 1, 1962 and the Amended Contract for Union filed with the Ohio Department of Health on February 2, 1984, except as modified herein, shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands:

Date: 08-15-02

District Advisory Council, Lorain County  
General Health District:

By: Dale F. Rundle, Sr.  
Chairperson

Date: 8/17/02

City of Oberlin:

By: Robert D. Smith  
City Manager

Date: 08-06-02

City of Amherst

By: John Higgins  
Mayor

Date: 8/6/02

City of North Ridgeville:

By: Deanna White  
Mayor

Date: 8/6/02

City of Avon

By: James A. Smith  
Mayor

Date: 8/6/02

City of Sheffield Lake:

By: Larry L. Mungel  
Mayor

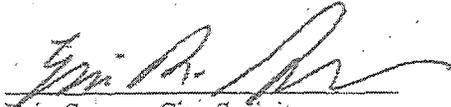
I hereby certify that a true copy of this Contract for Union was filed with the Ohio Department of Health this 20<sup>th</sup> day of Aug, 2002

This instrument was prepared by and was approved as to form and legal sufficiency by:

John S. Keressi, Jr.  
Assistant County Prosecuting Attorney

Date: 8/15/02

Approved as to form and legal sufficiency:



Eric Severs, City Solicitor  
City of Oberlin

Date: 4-19-02