

**VOTING ORDER**

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

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 23, 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:** May 9, 2016 Regular Council Meeting as prepared and published.

**Award Presentation to the Fire Department:** Lifeline Silver Award for excellence in cardiac care from the American Heart Association.

**Correspondence**

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

**Audience Participation**

**Motion**

Authorizing the Finance Director to make payments as part of the Jobs Growth Incentive Program – D. Bucci.

## Legislation

### Third Readings:

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.

### Second Readings:

Substitute 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 #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 #10671R, 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.

### First Readings:

Temporary Legislation #10675, authorizing participation in the ODOT winter contract.→

Temporary Legislation #10676, resolving to work cooperatively with ODOT and NOACA for repair and resurfacing of SR 83 from Lake Road to Detroit Road.→

Temporary Legislation #10677, authorizing the final contract with the Ohio Department of Transportation.→

Temporary Legislation #10678, approving the improvement plans for Legacy Pointe Phase 9.

Temporary Legislation #10679, approving the improvement plans for Port West Phase 1.

Temporary Legislation #10680, approving a conditional use/change of use site plan for Coleman Gardens.→

**Temporary Legislation #10681, setting compensation for certain part-time Recreation Department employees.→**

**Temporary Legislation #10682, authorizing a contract with the City of Lorain for health services.**

**Temporary Legislation #10683, amending Codified Ordinance Section 208.01 (a) (2), of the General Fee Schedule.**

**Miscellaneous Business and Announcements**

**Public Input**

**Adjournment**

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: 5/09/16  
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: 4/25/16

2<sup>nd</sup> reading: 5/09/16

3<sup>rd</sup> reading:

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

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

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

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: 05/09/16  
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, Jr.  
Chairperson

Date: 4/17/02

City of Oberlin:

By: Robert J. 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: Mary L. Mingle  
Mayor

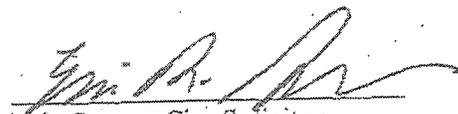
I hereby certify that a true copy of this Contract for Union was filed with the Ohio Department of Health this 20<sup>th</sup> day of AUG, 2002

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

John S. Keress, Jr.  
John S. Keress, 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

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: 05/09/16  
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: 10671R

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 the Law Director is hereby granted a 3% wage adjustment ~~in the amount of \$2,102 bi-weekly~~ effective June 8, 2016. **The new bi-weekly salary is \$2,102.00.**

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 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: 5/09/16  
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: 05/09/16

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

\_\_\_\_\_  
Approved

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

Clerk of Council

\_\_\_\_\_  
Mayor

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING PARTICIPATION IN THE  
ODOT WINTER CONTRACT (018-17) FOR ROAD SALT

WHEREAS, the City of Avon Lake (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-17) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon the award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract, and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision, and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract, and
- d. The Political Subdivision hereby requests through this participation agreement a total of 3,500 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT, and
- e. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract, and
- f. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by

written, emailed request by no later than Wednesday, June 1, 2016. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email:

contracts.purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement; now therefore;

BE IT RESOLVED by the Council of the City of Avon Lake,  
County of Lorain, State of Ohio:

Section No. 1: That the Political Subdivision authorizes the Mayor to enter into a participation agreement for the ODOT winter road salt contract.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 122.22 of the Ohio Revised Code.

Section No. 3: That this Resolution is hereby declared to be an emergency for the public peace, health, and safety of the City. Therefore, this Resolution shall be in full 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. James

TEMP NO: 10676

RESOLUTION NO. \_\_\_\_\_

FINAL RESOLUTION ENACTED BY THE CITY OF AVON LAKE, OHIO, HEREINAFTER REFERRED TO AS THE LEGISLATIVE AUTHORITY/LOCAL PUBLIC AGENCY OR "LPA", IN THE MATTER OF THE STATED DESCRIBED PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, on the 30<sup>th</sup> day of March, 2016, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of repair and resurfacing of SR 83 from Detroit Road to Lake Road, partially lying within the corporate limits of the City of Avon Lake; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid NOACA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Three Hundred Thirty Seven Thousand Six Hundred Fourteen and 00/100 dollars (\$337,614.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined, and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expenses for improving the above described highway and has transmitted copies of the same to this legislative authority, and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE,  
COUNTY OF LORAIN, STATE OF OHIO:

Section No. 1: That the estimated sum of Three Hundred Thirty Seven Thousand Six Hundred Fourteen and 00/100 dollars (\$337,614.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section No. 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section No. 3: That the LPA enter into a contract with the State, and that the Mayor be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

Section No. 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

Section No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 122.22 of the Ohio Revised Code.

Section No. 6: That this Resolution is hereby declared to be an emergency for the public peace, health, and safety of the City. Therefore, this Resolution shall be in full 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. James

TEMP NO: 10677

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

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FINAL CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF STATE ROUTE 83, AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio has identified the need to resurface State Route 83 from Detroit Road to US 6, a portion of which falls within the Avon Lake borders, and

WHEREAS, the City of Avon Lake agrees to cooperate with the Director of Transportation for the portion of the project within the Avon Lake corporation limits, now therefore;

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

Section No. 1: The the Mayor is hereby authorized to execute the final contract, as attached hereto, with the Ohio Department of Transportation for resurfacing of State Route 83 within the Avon Lake corporation limits.

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 file all documents in a timely manner in order for this project to move forward to ensure the safety of the public on this highly travelled road. Therefore, this Ordinance shall be in full force and effect immediately upon passage and approval by the Mayor.

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

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

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

\_\_\_\_\_  
Approved

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

\_\_\_\_\_  
Mayor

PID No. 92880  
ODOT Project No. \_\_\_\_\_ (2016)

**C O N T R A C T**  
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Avon Lake, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

**WITNESSTH:**

**WHEREAS**, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

**WHEREAS**, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

**WHEREAS**, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

**WHEREAS**, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

**WHEREAS**, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

**NOW, THEREFORE**, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:

**SECTION I:**        **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

**SECTION II:**       **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of repair and resurfacing of SR 83 from Detroit Road to Lake Road, lying within the City of Avon Lake.

SECTION V: FINANCIAL PARTICIPATION

- practically corporate limits of the*
1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
  2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
  3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
  4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of Three Hundred Thirty Seven Thousand Six Hundred Fourteen and - - - - 00/100 Dollars, (\$337,614.00).
  5. The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within the city limits, less the amount of Federal-Aid NOACA funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U. S. Department of Transportation.
  6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
  7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

Notwithstanding anything in this contract to the contrary, in no event shall the LPA be obligated for a total amount in excess of \$337,614.00 without the prior consent of the LPA.

**SECTION VI: RIGHT-OF-WAY AND UTILITIES**

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
  - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
  - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
  - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

**SECTION VII: ADDITIONAL PROJECT OBLIGATIONS**

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
  - A. To keep said highway open to traffic at all times;
  - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
  - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
  - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

**SECTION VIII: DISPUTES**

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

**SECTION IX: NOTICE**

Notice under this contract shall be directed as follows:

City of Avon Lake  
150 Avon Beldon Road  
Avon Lake, Ohio  
44012

Ohio Department of Transportation  
Office of Estimating  
1980 West Broad Street, 1st Floor  
Columbus, Ohio 43223

**SECTION X: FEDERAL REQUIREMENTS**

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

**SECTION XI: GENERAL PROVISIONS**

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

**SECTION XI: SIGNATURES**

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

PID No. 92880 – Contract

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL  
(If Applicable)

OHIO DEPARTMENT OF  
TRANSPORTATION

LOCAL PUBLIC AGENCY  
City of Avon Lake

\_\_\_\_\_  
Director of Transportation

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Approved:  
Mike DeWine  
Attorney General of Ohio

By: \_\_\_\_\_  
Stephen H. Johnson  
Chief, Transportation Section

Date: \_\_\_\_\_

BY: Mrs. Fenderbosch

TEMP NO: 10678

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

AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY POINTE PHASE 9, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of May 3, 2016, approved the Improvement Plans for Legacy Pointe Phase 9, 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 Legacy Pointe Phase 9, consisting of thirteen single family sublots and a new stormwater detention basin, 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 is hereby declared to be an emergency measure to allow construction during the 2016 building season in order for the project to move forward and permit the City to begin collecting property taxes as soon as possible to further the economic stability of the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading:  
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: 10679

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

AN ORDINANCE APPROVING THE IMPROVEMENT PLANS  
FOR PORT WEST PHASE 1, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of May 3, 2016, approved the Improvement Plans for Port West Phase 1, 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 Port West Phase 1, consisting of eighteen single family sublots with retention basins, 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 is hereby declared to be an emergency measure to allow construction during the 2016 building season in order for the project to move forward and permit the City to begin collecting property taxes as soon as possible to further the economic stability of the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading:  
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: 10680

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

AN ORDINANCE APPROVING A CONDITIONAL USE/CHANGE OF USE SITE PLAN FOR COLEMAN GARDENS, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of May 3, 2016, recommended the approval of a Conditional Use/Change of Use Site Plan for agricultural use to create garden areas, hoop houses, and proposed fences, now therefore;

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

Section No. 1: That after approval by Planning Commission and review by this Council, Council hereby confirms the recommendation of approval by Planning Commission of a Conditional Use Site/Change of Use Site Plan for agricultural use for Coleman Gardens.

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

Section No. 3: That this Ordinance is hereby declared an emergency measure to expedite the transfer of property in order to have planting completed by May 27, 2016 to harvest in time to meet obligations to customers, and also to further the economic development of Avon Lake, 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. Shondel

TEMP NO: 10681

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

AN ORDINANCE SETTING COMPENSATION FOR PART-TIME, SEASONAL, AND TEMPORARY EMPLOYEES, AND DECLARING AN EMERGENCY.

WHEREAS, in order to attract qualified employees who specialize in their field, the Recreation Director requested an increase in the part-time wage, now therefore;

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

Section No. 1: That certain experienced part-time Recreation Department employees who possess unique or professional skills shall be compensated at a rate up to \$15.00 per hour as determined by the Recreation 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 an emergency measure, the emergency being the necessity of establishing wages which are in line with current federal guidelines and competitive enough to attract qualified persons to fill part-time positions within the Recreation Department, 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. Meiners

TEMP NO: 10682

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

AN ORDINANCE PROVIDING FOR THE RENEWAL OF THE HEALTH SERVICES CONTRACT WITH THE LORAIN CITY HEALTH DEPARTMENT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID CONTRACT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has been under contract for health services with the City of Lorain and wishes to continue contracting for said services, and

WHEREAS, the present contract will expire on July 31, 2016, and

WHEREAS, this Council finds that the City of Avon Lake should continue said services with the City of Lorain, 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 contract with the Lorain City Health Department to provide health services for a one year period beginning August 1, 2016 and ending December 31, 2016. Such contract shall provide for health services as prescribed by the Ohio Revised Code and shall further provide for an alteration of health services as discussed with the Health Department.

Section No. 2: That the contract authorized in Section No. 1 above is hereby approved and confirmed by the Council of the City of Avon Lake.

Section No. 3: That the City of Avon Lake in return for receiving the health services prescribed in the contract will pay to the City of Lorain and its Board of Health the sum of \$35,420.00

Section No. 4: That the effective date of this Ordinance shall be contingent upon the City of Lorain passing and approving the necessary concurrent legislation on its part authorizing the health contract between the City of Avon Lake and the City of Lorain and that this Ordinance shall go into

effect and be in force only when approval has been finally received by the legislative action of the City of Lorain.

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 of approving the health services contract with the City of Lorain before the contract expires in order to ensure continued health services to residents of Avon Lake, thus for the health, safety, and welfare of the public. Therefore this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

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: Mrs. Fenderbosch

TEMP NO: 10683

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

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, (a) (2), OF THE GENERAL FEE, AND SCHEDULE, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Section 208.01 (a) (2), of the General Fee Schedule to add a permit fee for 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 Codified Ordinance Section 208.01 (a) (2) is hereby amended as follows:

(2) <u>Fire.</u>	
A. Copies of fire and rescue reports (see paragraph (e)(4)G. hereof)	
B. Permits for fire protection and alarm systems	
1. New systems	25.00
2. Extending or enlarging of existing systems	25.00
C. Transporting of hazardous materials out of the City or from one location to another within the City	\$25.00
D. Permits required by <u>Ohio Fire Code</u>	25.00
1. Except for tents, air supported and other temporary structures	15.00
E. Private hydrant annual maintenance and inspection (see Section 1610.01(b)(5))	15.00 per hydrant
F. Emergency ambulance transport service	
1. Basic life support (BLS)	500.00 per patient
2. Advanced life support (Level 1)	600.00 per patient
3. Advanced life support (Level 2)	700.00 per patient
4. Loaded patient transport mileage	11.00 per mile from pick-up point to hospital

5. EMS response without transport	No charge
<b>6. Emergency Access Gate Permit</b>	<b>\$25.00</b>

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 permit fees in order to implement the emergency access gate regulations to ensure access of the safety forces into gated communities in emergency situations, 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:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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