VOTING ORDER

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

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 September 12, 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: August 22, 2016 Regular Council Meetings as prepared and published.

Correspondence

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

Audience Participation

Motions:

Instructing the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a stock transfer for Walgreens – D. Kos.

Accepting a donation of an Automated External Defibrillator for the Recreation Department - R. James.

Legislation

Third Readings:

Temporary Legislation #10706, rezoning of property at Walker Road and Taylor Avenue.

Temporary Legislation #10708R, designation of the Hubbard-Duerk House located at 549 Avon Belden Road as a historic landmark.

Second Reading:

Temporary Legislation #10727, amending Codified Ordinance Section 220.26, entitled Subpoenas.

First Readings:

Temporary Legislation #10730, amending Codified Ordinance Section 260.02, entitled Vacations.

Temporary Legislation #10731, amending Codified Ordinance Section 260.03, entitled Sick Leave.

Temporary Legislation #10732, amending Codified Ordinance Section 260.06, entitled Holidays.

Temporary Legislation #10733, amending Codified Ordinance Section 260.07, entitled Uniform Allowance.

Temporary Legislation #10734, amending Codified Ordinance Section 260.11, entitled Longevity Compensation.

Temporary Legislation #10735, amending Codified Ordinance Section 260.15, entitled Educational Incentive Compensation.

Temporary Legislation #10736, amending Codified Ordinance Section 260.21, entitled Reimbursement of Certain Retired Employee's Cost of Spouse's insurance.

Temporary Legislation #10737, providing for transfers of funds.→

Temporary Legislation #10738, adopting a job description for the position of Program Manager in the Recreation Department.→

Temporary Legislation #10739, awarding a contract for street centerline and edge line striping.→

→Suspension of the rule requiring three readings

Temporary Legislation #10740, awarding a contract for the 2016 Concrete Street Program Phase 2.→

Temporary Legislation #10741, authorizing the purchase of radio repeater equipment for the Police Department.

Temporary Legislation #10742, authorizing the purchase of radio equipment for the Police Department.

Temporary Legislation #10743, imposing a 180 day moratorium on the granting of building permits or certificates of occupancy for any establishment for the cultivation, processing, or retail sale of medical marijuana.→

Temporary Legislation #10744, amending Codified Ordinance Section 1024.06 (h) and 1024.10, Emergency Access Gates.→

Temporary Legislation #10745, approving the use of submerged lands.→

Temporary Legislation #10746, approving the appointment of a Deputy Clerk in the Avon Lake Municipal Court.→

Temporary Legislation #10747, authorizing wage increases for Court personnel.→

Miscellaneous Business and Announcements

Public Input

Adjournment

→Suspension of the rule requiring three readings

BY: Mrs. Fenderbosch TEMP NO: 10706

ORDINANCE NO. _____

AN ORDINANCE TO REZONE PROPERTY AT WALKER ROAD AND TAYLOR AVENUE.

WHEREAS, Planning Commission has at its meeting of June 7, 2016 approved a request to rezone property at Walker Road and Taylor Avenue, now therefore;

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

Section No. 1: That 1.12 acres and 1.18 acres of property at Walker Road and Taylor Avenue, described in Exhibits A, as attached hereto and made a part of, which is presently zoned B-2 General Commerce, be and it is hereby zoned as R-3 Multi-Family Residence.

Section No. 2: That the official zoning map and Zoning Code of the City of Avon Lake be, and it is hereby amended accordingly, and the Municipal Engineer is directed to make the necessary changes thereto.

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

1st reading: 6/27/16
2nd reading: 8/22/16
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

EXHIBIT "A"

Situated in the City of Avon Lake, County of Lorain, and State of Ohio, and known as being part of Original Avon Township Section Number 6, and being further bounded and described as follows:

Beginning at an iron pin monument on the centerline of Walker Road, varying width, at its intersection with the centerline of Moore Road, 60 feet wide;

Thence N 86°-36'-25" W along the said centerline of Walker Road, a distance of 503.23 feet to a point;

Thence N 3°-32'-37" E a distance of 50.00 feet to a capped ½" iron pin set on the northerly sideline of Walker Road and the southeasterly corner of land conveyed to S. B. Holdings LTD by deed dated August 17, 2001 and recorded in Document No. 20010771980 of Lorain County Records, and the southwesterly corner of land conveyed to the City of Avon Lake by deed dated August 17, 2001 and recorded in Document No. 20010771981 of Lorain County Records, and the principal place of beginning of the parcel herein intended to be described;

COURSE 1: Thence N 86°-36'-25" W along the said northerly sideline of Walker Road, a distance of 192.25 feet to a capped ½" iron pin set;

COURSE 2: Thence N 3°-23'-35" E a distance of 21.00 feet to a capped ½" iron pin set;

COURSE 3: Thence N 0°-38'-07" W a distance of 71.18 feet to a capped ½" iron pin set;

COURSE 4: Thence N 3°-23'-35" E a distance of 158.00 feet to a capped ½" iron pin set;

COURSE 5: Thence S 86°-36'-25" E a distance of 222.90 feet to a capped ½" iron pin set;

COURSE 6: Thence S 3°-32'-37" W a distance of 92.56 feet to a capped ½" iron pin set on a southerly line of said land so conveyed to S. B. Holdings LTD; said point being distant N 86°-23'-16" W 202.23 feet, measured along said southerly line from the southeasterly corner thereof; said point also being on the northerly line of said land conveyed to the City of Avon Lake by deed recorded in Document No. 20010771981;

COURSE 7: Thence N 86°-23'-16" W along the said southerly line of land conveyed to S. B. Holdings LTD and the said northerly line of land conveyed to the City of Avon Lake, a distance of 25.00 feet to a capped ½" iron pin set at the northwesterly corner thereof;

COURSE 8: Thence S 3°-32'-37" W along the easterly line of said land conveyed to S. B. Holdings LTD and the westerly line of said land conveyed to the City of Avon Lake, a distance of 157.54 feet to the place of beginning, but subject to all legal highways, and containing 1.1805 acres (51,424 square feet) of land according to a survey by **CAPITOL SURVEY COMPANY** dated May 20, 2002, by Ralph M. Gugar, Registered Surveyor No. 7949.

LORAIN COUNTY TAX MAP DEPT
P.P. NO. 04-00-006-135-113 tam

EXHIBIT "A"

Situated in the City of Avon Lake, County of Lorain, and State of Ohio, and known as being part of Original Avon Township Section Number 6, and being further bounded and described as follows:

Beginning at an iron pin monument on the centerline of Walker Road, varying width, at its intersection with the centerline of Moore Road, 60 feet wide;

Thence N 86°-36'-25" W along the said centerline of Walker Road, a distance of 730.35 feet to a point;

Thence N 3°-23'-35" E a distance of 50.00 feet to a capped ½" iron pin set on the northerly sideline of Walker Road, and the principal place of beginning of the parcel herein intended to be described;

COURSE 1: Thence N 86°-36'-25" W along the said northerly sideline of Walker Road, a distance of 190.65 feet to a capped ½" iron pin set at the southwesterly of land conveyed to William Thomas Communities, Inc. by deed dated January 3, 2002 and recorded in Document No. 20020801319 of Lorain County Records; said point also being on the easterly line of land conveyed to The Cleveland Electric Illuminating Company by deed dated August 19, 1966 and recorded in Volume 931, Page 818 of Lorain County Records;

COURSE 2: Thence N 0°-41'-41" E along the said westerly line of land so conveyed to William Thomas Communities, Inc., and along the said easterly line of land so conveyed to The Cleveland Electric Illuminating Company, a distance of 27.16 feet to a capped ½" iron pin set at an angle therein;

COURSE 3: Thence N 3°-08'-33" E along the said westerly line of land so conveyed to William Thomas Communities, Inc., and along the said easterly line of land so conveyed to The Cleveland Electric Illuminating Company, a distance of 222.87 feet to a capped ½" iron pin set;

COURSE 4: Thence S 86°-36'-25" E a distance of 197.90 feet to a capped ½" iron pin set;

COURSE 5: Thence S 3°-23'-35" W a distance of 158.00 feet to a capped ½" iron pin set;

COURSE 6: Thence S 7°-25'-17" W a distance of 71.18 feet to a capped ½" iron pin set;

COURSE 7: Thence S 3°-23'-35" W a distance of 21.00 feet to the place of beginning, but subject to all legal highways, and containing 1.1258 acres (49,040 square feet) of land according to a survey by **CAPITOL SURVEY COMPANY** dated May 20, 2002, by Ralph M. Gugar, Registered Surveyor No. 7949.

04-00-006-135-117 tam

BY: Mrs. Fenderbosch TEMP NO: 10708R

ORDINANCE NO. _____

AN ORDINANCE DESIGNATING THE ~~MILDRED~~ **HUBBARD**-DUERK HOUSE LOCATED AT 549 AVON BELDEN ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of June 7, 2016, recommended to Council that the ~~Mildred~~ **Hubbard**-Duerk House located at 549 Avon Belden Road, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the ~~Mildred~~ **Hubbard**-Duerk House has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, early plat documents of record indicate that the Hubbard-Duerk home was built circa 1850, and

WHEREAS, residents raised in Avon Lake remember it as a house with a large orchard with a barn and outbuildings where produce was sold before the property was parceled, and

WHEREAS, historic preservation gives residents of our community a deeper sense of understanding and appreciation of Avon Lake heritage, now therefore;

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

Section No. 1: That the Council of the City of Avon Lake does hereby grant the ~~Mildred~~ **Hubbard**-Duerk House located at 549 Avon Belden Road the designation of Historic Landmark.

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

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

1st reading: 06/27/16
2nd reading: 08/22/16
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. James TEMP NO: 10727

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 220.26, ENTITLED SUBPOENAS.

WHEREAS, the Public Works Committee recommended an amendment to Codified Ordinance Section 220.26, entitled Subpoenas, now therefore;

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

Section No. 1: That Codified Ordinance Section 220.26 is hereby amended as follows:

220.26 SUBPOENAS

Subject to the limitations imposed by Section 268.02 of the Codified Ordinances, Council shall have the power to subpoena witnesses and books, documents, records or other evidence at the request of any member of Council **for the purpose of investigating charges against an officer or employee.** Upon motion adopted by Council, the President of Council or, in his or her absence or unavailability, the President Pro Tem shall sign any subpoena to be issued pursuant to this section, and such subpoena shall be served and executed by any person authorized to serve subpoenas, and in the manner required, by Rule 45 of the Ohio Rules of Civil Procedure. The return of such subpoena shall be filed with the Clerk of Council. The Director of Law, the Assistant Director of Law or in their absence or unavailability any member of Council may administer the requisite oaths to witnesses, and Council shall have the same power to compel the giving of testimony by the attending witnesses as is conferred upon courts of justice. In all such cases, witnesses shall be entitled to the same privileges, immunities and compensation as are allowed witnesses in civil cases, and the cost shall be paid from the General Fund of the Municipality. Any person who refuses to obey a subpoena issued pursuant to this subsection or to testify in response to such subpoena shall be guilty of contempt of Council, a misdemeanor of the third degree.

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

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of clearly defining subpoena powers of Council to be consistent with the Avon Lake Charter. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 8/22/16
2nd reading:
3rd reading:

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____

BY: Mr. Shondel TEMP NO: 10730

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.02 VACATIONS.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.02, Vacations, to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.02 is hereby amended as follows:

260.02 VACATIONS.

(a) All regular full-time employees of the Municipality who have been in the continuous employment of the Municipality for twelve months or more preceding January 1, whether employed on a monthly salary basis or at an hourly rate of pay, shall be allowed an annual vacation, with pay, of two normal work weeks. All regular full-time employees who have been employed for less than twelve months preceding January 1, will receive one full day of vacation for each full month of employment during the previous year up to a maximum of two normal work weeks.

(b) The basis of computing the compensation of an employee who works on an hourly rate of pay, for the period of his or her respective vacation, shall be the normal straight time earnings of the particular employee working a full week at the hourly rate fixed for his or her employment in the particular Municipal department where employed.

(c) Each person having charge of a department of the Municipality wherein there are other employees under the supervision of such person, shall arrange a schedule of vacations as nearly as possible to conform with the proper functioning of the particular department, as well as to suit the convenience of the respective employees. In any event, vacations shall be taken subject to the review of such determination by the Mayor or the Board of Municipal Utilities.

(d) All full-time employees who have been in the employment of the City for five years of continuous service shall be granted three normal weeks of vacation with pay. After ten years of continuous service, they shall be granted four normal work weeks of vacation with pay. After twenty years of continuous service, they shall be granted five normal work weeks of vacation with pay. All earned vacations shall become effective the January 1 after the completion of such years of service.

(e) Vacations may not be accumulated and shall be taken not later than the end of the subsequent year of service for which the vacation was earned, unless an extension is authorized by Council.

(f) An employee whose employment with the City is terminated, or upon retirement, shall be paid for vacation time earned the previous year but not yet taken, and for vacation time earned but not yet taken in the year of termination or retirement. Compensation shall be calculated by dividing the employee's bi-weekly wage by the number of hours normally worked bi-weekly, times the unused hours of vacation, provided that the employee has twelve months or more continuous service.

(g) Vacation allowance calculated pursuant to subsection (f) hereof shall be paid to the next of kin or to the executor or administrator of the estate of a deceased employee.
(Ord. 135-91. Passed 10-14-91.)

(h) In the year of the fifth, tenth and twentieth anniversary date of employment, and only in those years, full-time employees not covered by a collective bargaining agreement shall be granted one additional day of paid vacation for each two full months of employment between their anniversary date and December 31. The employee shall be allowed use of this prorated additional paid vacation time only on or after his or her employment anniversary date. This pro rata paid vacation shall be taken prior to December 31 and cannot be carried over into the next year.

(i) Employees shall be eligible to "cash-in" up to ten (10) vacation days per year at the employees appropriate hourly rate. Reimbursement for unused vacation days shall be in full day (8 hours) or half day (4 hours) increments. The employee shall receive payment for the "cashed-in" vacation days on the next payday after "cashing-out".

(j) If entitled to more than three weeks paid vacation per year, the Public Works Foreman shall have the option of working up to five days of said vacation days for full regular pay plus another full day's pay for each of the first four days opted to be worked and plus one day's half pay for the remaining day opted to be worked by such employee, in lieu of vacation pay.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10731

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.03 SICK LEAVE.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.03, Sick Leave, to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.03 is hereby amended as follows:

260.03 SICK LEAVE.

Sick leave shall be provided to each full-time employee in accordance with State law and this section.

(a) Sick Leave Accumulation.

(1) Each full-time employee shall be advanced five days of immediate sick leave credit which will be charged against the first four months of his or her accumulation of sick leave.

(2) Sick leave shall be accumulated at the rate of one and one-fourth days per month. For full- time members of the Fire Department employed on a twenty-four hour sift basis, one day equals a twelve-hour shift.

(3) The accumulation of sick leave is unlimited.

(4) Any full-time employee who has been employed with another public agency or political subdivision shall be credited with the unused balance of his or her accumulated sick leave from such public agency or subdivision.

(5) The previously accumulated sick leave of a full-time employee who has been separated from public service shall be placed to his or her credit upon his or her re-employment, provided that his or her employment takes place within ten years of the date on which the employee was last terminated from public service, unless the employee has elected to receive termination pay for such sick leave.

(b) Granting of Sick Leave.

(1) Each employee shall furnish a written and signed statement on forms prescribed by Council to justify the use of sick leave. Such form will be made available by the department head and shall be submitted to the department head when completed by the employee.

(2) Sick leave may be used due to personal illness, pregnancy, injury and exposure to contagious disease which could be communicated to others, and for absence due to illness, injury or death in the employee's immediate family. As used in this paragraph, "immediate family"

means the father, mother, brother, sister, husband, wife, child, ~~and~~ grandparent of the employee ***and/or his or her spouse, grandchild, step parent, step child, step brother, and step sister.*** It does not provide extended leave for chronic illness within the immediate family.

(3) If medical attention is required, or if the absence exceeds five consecutive days, a certificate stating the nature of the illness from a licensed physician may be required to justify the use of sick leave. The appointing authority or his or her designee in the employee's department may request such certificate.

(4) In the case of pregnancy and/or childbirth of the employee and/or spouse, the employee may utilize a maximum of five (5) days without a certificate from a licensed obstetrician, gynecologist, midwife, obstetric or gynecological nurse practitioner. If the employee, spouse, or child develops medical complications associated with the pregnancy, childbirth, or recovery from said pregnancy, additional days of sick leave may be used upon the filing of a medical excuse signed by a licensed obstetrician, gynecologist, midwife, obstetric or gynecological nurse practitioner that details the nature of the illness, complications or incapacitation associated with said pregnancy and/or birth. Medical information provided by the employee will be consistent with state and federal laws concerning personal medical information.

(4)~~(4)~~ Full-time members of the Fire Department who are employed on a twenty-four hour shift basis shall be charged for sick leave at the rate of one day for absence from a twelve-hour work shift and shall be charged at the rate of two days for absence from a twenty-four hour work shift.

(c) Payment for Unused Sick Leave Upon Retirement.

(1) A full-time employee, at the time of acceptance for retirement by the Public Employees Retirement System, the Police Pension or the Fire Pension, if he or she has ten or more years of full-time service as an employee of the City, and if his or her retirement is within ninety days of his or her last day of service with the City, may elect to receive termination pay.

(2) Each full-time employee who qualifies shall receive ~~twenty-five~~ ***fifty*** percent of his or her accumulated sick leave credit up to a maximum of 120 days. Payment shall be based on the daily rate of pay at the time of retirement and shall not exceed thirty days of accumulated unused sick leave.

(3) Each full-time non-bargaining unit employee in the Municipal Utilities Department who qualifies shall receive 50% of his or her accumulated sick leave credit up to a maximum of 120 days. Payment shall be based on his or her daily rate of pay at the time of retirement and shall not exceed 60 days of accumulated unused sick leave.

(4) Payment under this subsection shall eliminate all sick leave credit.

(5) No employee shall receive more than one such payment.

(6) If termination is because of death, such remaining accumulated sick leave pay shall be paid to the surviving spouse or dependent children in the order named or to the executor or administrator of the estate.

(7) An employee whose date of employment is prior to December 22, 1980, will not be governed by paragraph (c)(2) hereof. Such employee will receive all accumulated sick leave up to a maximum of 120 days.

(d) ~~(1) Certain non-bargaining unit employees in departments covered by the PACE Local 5-836-1 Agreement shall be permitted to convert up to 120 hours of accumulated sick leave to cash.~~

~~(2) Said conversion of sick leave shall be paid at the employee's current rate of pay on the basis of two hours of sick leave for one hour of pay.~~

~~(3) The conversion of sick leave must be requested in writing on a City form between November 1 and November 30 of each year.~~

~~(4) The conversion shall be paid by December 31 of the same year.~~

~~(Ord. 135-91. Passed 10-14-91; Ord. 242-04. Passed 11-8-04; Ord. 163-08. Passed 12-8-08.)~~

Any employee may elect each year to have the employer buy back a maximum of one hundred and twenty (120) hours of sick time for the current year. A written request must be completed by the employee to do so and be submitted to the Employer no later than December 15 of the year of the actual conversion. The employee shall specify in writing the number of sick days to be converted. The rate of conversion will be one (1) day of pay at the employee's regular rate for each two (2) days of sick leave converted. The conversion will result in the employee having his sick leave account reduced by the number of sick leave days converted. Converted hours will not count as "hours worked" in the week paid out for the purpose of calculating overtime, and the leave converted under this program is done on the last in, first out basis.

The employee will receive the payout no later than the first pay day of the next year, No employee shall be permitted to convert any more leave than he would otherwise earn in a calendar year less any leave earned and used in the calendar year.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10732

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.06 HOLIDAYS.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.06, Holidays, to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.06 is hereby amended as follows:

06 HOLIDAYS.

(a) All full-time members of the Fire Department working a twenty-four tour of duty shall be granted twenty-four hours of time off for each of the following holidays:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Two personal holidays granted after the first anniversary of employment
Labor Day	

(b) Full-time members of the Fire Department who work a forty-hour week shall be entitled to the following holidays:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Four personal holidays granted after the first anniversary of employment
Labor Day	

(c) All shift employees of the Police Department shall be granted an eight-hour period of time for each of the following holidays:

New Year's Day	Thanksgiving Day
Easter Sunday	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Three personal holidays granted after the first anniversary of employment
Labor Day	

In addition to the above, all shift employees shall be compensated at a rate of 200 percent of their hourly rate of pay when they work Thanksgiving Day or Christmas Day, and 150 percent of their hourly rate for the remaining six holidays.

(d) Full-time members of the Police Department who work a forty-hour week shall be entitled to the following holidays:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Four personal holidays granted after the first anniversary of employment
Labor Day	

(e) (1) All other full-time Municipal employees shall be entitled to the following holidays:

New Year's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Four personal holidays after the first anniversary of employment
Labor Day	

(2) The Mayor shall receive two personal holidays in addition to the four personal holidays provided in this division.

(f) For employees included in subsections (b), (d) and (e) hereof, if a holiday falls on a Sunday, the following Monday shall be the holiday. If a holiday falls on a Saturday, the preceding Friday shall be the holiday.

(g) (1) A "personal holiday", as authorized and allowed in this section, is defined as time off similar to other holidays in which the employee may designate the day or time off as a holiday. Such personal holiday is authorized only when the employee has given his or her supervisor at

least seventy-two hours notice, prior to the taking of such holiday. The department head may, at his or her discretion, schedule such personal holidays in a manner which will maintain effective and efficient operation of the department. Such personal holidays may not be accumulated, with the exception of the non-bargaining unit employees in the Municipal Utilities Department.

(2) Non-bargaining unit employees ~~in the Municipal Utilities Department~~ shall be compensated for all personal holidays not taken prior to December 31 of each year no later than the end of January immediately following at the rate of pay in effect the preceding December.

(h) Upon retirement or termination of employment with the City, an employee shall be compensated for any unused holiday time and personal holiday time. Compensation shall be at an hourly rate, computed by dividing the employee's bi-weekly wage by the number of hours normally worked bi-weekly, times the number of unused holiday or personal holiday hours accumulated. In the case of a deceased employee, holiday pay shall be paid to the next of kin or to the executor or administrator of the estate. In addition to the above, all shift employees shall be compensated at a rate of 200 percent of their hourly rate of pay when they work Thanksgiving Day or Christmas Day, and 150 percent of their hourly rate for the remaining six holidays.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10733

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.07 UNIFORM ALLOWANCES.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.07, Uniform Allowances, to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.07 is hereby amended as follows:

260.07 UNIFORM ALLOWANCES.

(a) Police Department.

(1) There is hereby established an annual uniform allowance for each officer of the Police Department for the purpose of maintaining and replacing his or her official police uniform as becomes necessary or advisable by reason of use and wear in the performance of active duty. The amount and specifics of the uniform allowance will be described in the Collective Bargaining Agreement for the unit in question. Such annual uniform allowance shall be paid by the Director of Finance in two installments on the scheduled pay days immediately preceding April 1 and October 1 of each year.

(2) The Chief of Police shall receive a clothing allowance of one thousand dollars ($1,000) for the purchase and maintenance of regulation uniforms and clothing to be paid in two installments of five hundred dollars ($500.00) each on the scheduled pay days immediately preceding April 1 and October 1.

(3) There is hereby established an annual uniform allowance for each full-time employee covered by the FOP Police Dispatchers Collective Bargaining Agreement for the purpose of maintaining and replacing his or her official police uniform as becomes necessary or advisable by reason of use and wear in the performance of duty. The amount and specifics of the uniform allowance will be described in the Collective Bargaining Agreement for the unit in question. Such annual uniform allowance shall be paid by the Director of Finance in one installment on the scheduled payday immediately preceding April 1 of each year.

(b) Fire Department.

(1) There shall be a first year uniform allowance for each new full-time firefighter/paramedic of the Fire Department. The amount and specifics of the uniform allowance will be described in the Collective Bargaining Agreement covering the Avon Lake Firefighters.

Thereafter, there shall be an annual allowance for each full-time employee covered by the Collective Bargaining Agreement for the purpose of maintaining and replacing his or her official uniform as becomes necessary or advisable by reason of use and wear in the performance of active duty. Such annual uniform allowance shall be paid by the Finance Director in two equal installments on the scheduled pay days immediately preceding April 1 and October 1 of each year.

(2) The Fire Chief shall receive a uniform allowance of one thousand dollars ($1,000) for the purchase and maintenance of regulation uniforms to be paid in two installments of five hundred dollars ($500.00) each on the scheduled pay days immediately preceding April 1 and October 1.

(3) The Secretary/Dispatcher in the Fire Department shall receive a uniform allowance of seven hundred fifty dollars ($750.00) annually for the purchase and maintenance of uniforms as prescribed by the Fire Chief, to be paid by the Director of Finance in two equal installments on the scheduled payday immediately preceding April 1 and October 1 of each year. There shall be a first year uniform allowance of seven hundred fifty dollars ($750.00) payable in one lump sum as soon as practical after the appointment of a Secretary/ Dispatcher, and the same is intended to be for the calendar year in which the employee is hired. Beginning January 1 following the year of employment, he or she shall be eligible for the annual uniform allowance.

(c) Department of Municipal Utilities. Full-time Municipal Utilities Department employees shall be furnished work clothes and equipment where necessary, as determined by the Director of Utilities.

(d) Public Works Department and Building Department. The Public Works Foreman, the Plumbing/Building Inspector, the Residential Inspector, the Electrical Inspector, and the Zoning Administrator shall receive a uniform allowance of ~~five~~ ***six*** hundred dollars ~~($500.00)~~ ***($600.00)*** annually. Payment shall be made on the scheduled pay day immediately preceding April 1 of each year. In addition, each such employee shall be furnished gloves and one pair of boots each calendar year and one rainsuit every third calendar year or as needed.

(e) Public Works Director. The Public Works Director shall receive a uniform allowance of ~~five~~ ***six*** hundred dollars ~~($500.00)~~ ***($600.00)*** annually. Payment shall be made on the scheduled pay day immediately preceding April 1 of each year. In addition, such employee shall be furnished gloves and one pair of boots each calendar year and one rainsuit every third calendar year or as needed.

(f) Commercial Driver's License Allowance. The City shall pay an annual commercial driver's license allowance on the pay date preceding October 1 of a calendar year to those non-bargaining unit employees in the Public Works Department who are required to hold such license in order to perform their job. The payment shall be equal to the rate negotiated in the current PACE Local 5-836-1 collective bargaining agreement.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10734

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.11 LONGEVITY COMPENSATION.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.11 Longevity Compensation, to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.11 is hereby amended as follows:

260.11 LONGEVITY COMPENSATION.

(a) (1) The following longevity compensation plan is hereby established for all full-time, non-bargaining unit employees ~~(except those named in the Utilities Department under this section.)~~ Eligible full-time, non-bargaining unit employee(s) shall be paid longevity compensation equal to the rate negotiated in the current collective bargaining agreement of that department. ~~Employees working in a department without a bargaining unit will be paid in accordance with the scale below:~~

~~Consecutive Full Years of Service~~	~~Amount of Annual Longevity Pay~~
~~6~~	~~$350~~
~~7~~	~~400~~
~~8~~	~~450~~
~~9~~	~~500~~
~~10~~	~~575~~
~~11~~	~~650~~
~~12~~	~~725~~
~~13~~	~~800~~
~~14~~	~~875~~
~~15~~	~~950~~
~~16~~	~~1,025~~

~~17~~	~~1,100~~
~~18~~	~~1,175~~
~~19~~	~~1,250~~
~~20 or more~~	~~1,600 per year until termination~~

(2) Non-bargaining unit employees with more than one collective bargaining agreement in their department shall be paid according to the longevity scale with the higher beginning dollar value. Employees working in a department without a bargaining unit will be paid in accordance with the scale below:

~~(3) The Chief Utilities Executive, the Chief of Utility Operations, the Water Plant Manager, the Superintendent of Collection and Distribution, the WPCC Manager, the Equipment Maintenance Supervisor, the Engineering Services Manager, the Cashier-Bookkeeper, the Biller-Bookkeeper I and the Biller-Bookkeeper II shall be eligible for the following longevity plan:~~

Consecutive Full Years of Service	Amount of Annual Longevity Pay
6	$ 450
7	500
8	550
9	600
10	675
11	750
12	825
13	900
14	975
15	1,050
16	1,125
17	1,200
18	1,275
19	1,350
20 or more	1,700 per year until termination

The aforementioned increases in longevity compensation in division (a)(3) of this section shall be retroactive to January 1, 2006.

(b) Longevity compensation shall be paid to eligible full-time employees. Longevity compensation shall be paid on the scheduled pay day immediately preceding November 1.

(c) Any full-time employee receiving longevity compensation as set forth in subsection (a) hereof shall, in addition thereto, be required to be employed and work not less than 1,800 hours during the twelve months preceding the computation of such compensation.

(d) Longevity compensation rates shall be computed on continuous years of employment service and not upon any wage or salary rate. Service for purposes of longevity compensation is defined as a full-time position of trust or employment in the service of the City involving not less than 1,800 hours of work per twelve-month period from December 1 until December 1 of the following year.

(e) Hours of work is defined as working or duty hours, including hours paid for vacations, sick leave or other paid authorized absences. Overtime hours worked will not be counted or computed in determining the 1,800 hour basic computation requirement for an eligible service year.

(f) For full-time employees who leave the service of the City, for reasons other than discharge or resignation, the following provisions for longevity compensation shall apply:

(1) In cases of separation from public service because of death or permanent disability, longevity compensation will be prorated and paid as of the time of separation. In the case of a deceased employee, longevity compensation shall be paid to the next of kin or executor or administrator of the estate.

(2) Any employee retiring before December 1 of the calendar year shall receive longevity compensation on a pro rata basis as determined on the date of his or her retirement, payable at the time of retirement.

(g) In computing longevity compensation for the first eligible year, the employee shall be compensated on a pro rata month-to-month basis, determined by the number of months (an eligible month for prorata being twenty or more days) between the employee's sixth anniversary date of employment and the next December 1. Such pro rata compensation shall be added to the first entitlement of longevity compensation.

(h) The monetary value of proration as described in this section shall be determined by the following formula: eligible months divided by twelve, times the entitlement amount as set forth in subsection (a) 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 be in full force and effect from the earliest period allowed by law.

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10735

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.15 EDUCATIONAL INCENTIVE COMPENSATION.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.15 Educational Incentive Compensation to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.15 is hereby amended as follows:

260.15 EDUCATIONAL INCENTIVE COMPENSATION.

(a) ~~Any full-time employee of the City (with the exception of the Municipal Utilities Department) who has attained the minimum of an Associates Degree in an area directly related to the job he or she is performing is entitled to additional compensation of three hundred dollars ($300.00) per year while in the employ of the City.~~ The Chief of Fire shall receive compensation equal to the education incentive rate in the current International Association of Fire Fighters Local 1361 bargaining agreement. ***The Police Chief shall receive compensation equal to the educational incentive rate in the current bargaining agreement for the FOP Lodge #25, Avon Lake Division.*** Such compensation shall be paid on the first day of June of each year, commencing June 1, 1983. ~~The determination as to whether or not the Degree is eligible for the educational incentive compensation shall be made by the department head, the Human Resources Committee and Council. There shall be no educational incentive compensation paid for additional education when such education is a requirement of the job.~~

~~(b) Such compensation shall not be paid until such time as the employee furnishes to his or her department head a certificate from an accredited educational institution evidencing that the employee has satisfactorily completed all the requirements necessary to be granted the minimum of an Associates Degree by such educational institution. Copies of such certificate shall be forwarded to the Director of Finance and shall be filed with the employee's permanent records.~~

~~(c) The City shall not reimburse an employee for expenses incurred in obtaining such Degree, such as tuition, books, fees, travel expenses, etc., nor shall the City compensate such employee for time expended by him or her in attending such educational institution. The department head is not authorized to allow the employee time off from his or her regularly assigned job in order to attend such educational training. Such training shall be accomplished on the employee's own personal time.~~

~~(d) Any full-time employee who is serving within his or her initially hired probationary period is not entitled to such educational incentive compensation, whether or not he or she has a qualified degree.~~

~~(Ord. 135-91. Passed 10-14-91; Ord. 108-04. Passed 5-10-04.)~~

(b) Full-time employees who have attained an Associate's Degree in an area directly related to the job the employee is performing shall be entitled to additional compensation of $450.00 per year while in the employ of the City. Such compensation shall be paid the first pay day in June each year.

© Full-time employees who have attained a Bachelor's Degree in an area directly related to the job the employee is performing shall be entitled to additional compensation of $500.00 per year while in the employ of the City. Such compensation shall be paid the first pay day in June each year.

(d) Full-time employees who have attained a Master's Degree in an area directly related to the job the employee is performing shall be entitled to additional compensation of $750.00 per year while in the employ of the City. Such compensation shall be paid the first pay day in June each year.

(e) Full-time employees who have attained a Doctorate Degree in an area directly related to the job the employee is performing shall be entitled to additional compensation of $1000.00 per year while in the employ of the City. Such compensation shall be paid the first pay day in June each year.

(f) Such compensation may not be cumulative with payment for the highest degree earned. The determination as to whether an employee is eligible for the Education Incentive shall be made by the Mayor and the Human Resource Director. There shall be no educational incentive compensation paid for additional education when such education is a requirement for the job.

(g) Such compensation shall not be paid until such time as the employee furnishes to his department head a certificate from an accredited educational institution evidencing that the employee has satisfactorily completed all requirements necessary to be granted a degree by said educational institution. Copies of said certificates shall be forwarded to the Finance Department and shall be filed with the employee's permanent records.

(h) Any full-time employee who is serving a probationary period shall not be entitled to such educational incentive benefit, whether or not the employee has a degree. An employee serving a promotional probationary period shall be entitled to payment.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10736

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.21 REIMBURSEMENT OF CERTAIN RETIRED EMPLOYEES COST OF SPOUSE'S INSURANCE.

WHEREAS, the Human Resources Committee recommended amending Codified Ordinance Section 260.21 Reimbursement of Certain Retired Employees Cost of Spouse's Insurance to make non-bargaining unit employee benefits consistent with the bargaining unit contracts, 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 260.21 is hereby amended as follows:

260.21 REIMBURSEMENT OF ~~CERTAIN~~ RETIRED EMPLOYEES FOR COST OF SPOUSE'S HEALTH INSURANCE.

~~(a) Upon retirement the City shall reimburse eligible, non-elected, non-bargaining unit employees for the cost of health insurance coverage of the retired employee's spouse, not to exceed one hundred dollars ($100.00) monthly. The cost of the insurance will be paid by the retiree to the Ohio Public Employees' Retirement System for such coverage, upon written proof of payment of same, and evidence of coverage issued by and through the Ohio Public Employees Retirement System. Additionally the following employees shall be included: the Assistant Utilities Director, Superintendent of Distribution, Equipment Maintenance Supervisor, Water Plant Superintendent, Waste Treatment Plant Superintendent, Cashier-Bookkeeper, Biller-Bookkeeper I and Biller-Bookkeeper II in the Utilities Department.~~

~~(b) For purposes of this section, "retired employee" means any full-time appointed employee or any employee or any employee specified in division (a) of this section at the time of retirement from City service, who is a member of the Public Employee Retirement System of Ohio, and who is receiving a monthly allowance as provided in Ohio R.C. 145.32, 145.33 and 145.34, as presently enacted.~~

~~(c) The Director of Finance is hereby authorized and directed to reimburse retired employees as defined in subsections (a) and (b) hereof, provided:~~

~~(1) The employee shall have retired on or after January 1, 1989.~~

~~(2) The retired employee shall have reached the age of fifty-five years and have worked a minimum of fifteen years full-time service with the City of Avon Lake at the time of retirement.~~

~~(3) The spouse of the retired employee shall not be eligible for any other hospitalization coverage.~~

~~(4) The retired employee shall only be reimbursed for the cost of coverage not to exceed one hundred dollars ($100.00) monthly, paid toward a nonworking, dependent spouse, and there shall be no reimbursement by the City for any other family member.~~
~~(Ord. 135-91. Passed 10-14-91; Ord. 137-04. Passed 6-14-04.)~~

An employee who retires from the City under the Ohio Public Employee's Retirement System (OPERS), will be eligible for reimbursement for up to one hundred ($100.00) dollars per month of the cost of health care coverage for the retired employee's non-working spouse, for a period of thirty-six (36) months following the month of retirement. The cost of the insurance coverage for the spouse will be paid by the retiree to the Ohio Public Employee's Retirement System. The retiree must provide written proof of such payment and evidence of health coverage issued by and through the OPERS in order to be eligible for reimbursement.
For purposes of this section, "retired" means that the employee was a member of the OPERS who separated from the City service and immediately began receiving a monthly allowance as provided in Sections 145.32, 145.33 and 145.34 of the Ohio Revised Code as enacted prior to July 1, 2011.

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

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

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Meiners TEMP NO: 10737

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 month of September:

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

BY: Mr. Shondel TEMP NO: 10738

ORDINANCE NO. _____

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

WHEREAS, it has been recommended by the Human Resources Committee that a job description for the position of Program Manager 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 Program Manager for the City of Avon Lake shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

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

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to create the position of Program Manager for supervision of the Recreation Department to continue to offer quality recreation programs to the residents of Avon Lake, thus for public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description

Job Title:	Program Manager Family Programming, Outdoor Education & Special Events
Department:	Parks and Recreation Department
Immediate Supervisor:	Recreation Director
Positions Supervised:	Seasonal and Part-time workers
FLSA Status:	Full-Time/Salary/Exempt
Bargaining Unit:	
Civil Service Status:	Unclassified

GENERAL RESPONSIBILITIES:
This position performs a variety of planning and implementing youth and adult recreational programs. In addition to other duties including, but not limited to; building supervision, managing and supervision of recreation family programs, outdoor education and special events, public relations, budgeting, maintaining program records, coordinating activities for outside group organizations, program scheduling, facility and staff scheduling for events, and conducting surveys and evaluating all programs.

GENERAL QUALIFICATIONS:

- Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in recreation, outdoor education, sport management, health, physical education or related field
- Valid, State of Ohio, motor vehicle operator's license
- Certification in CPR/AED and First Aid
- Blood borne pathogen training
- CPRP preferred
- Knowledge of outdoor recreational equipment and repair techniques for items such as rafts, canoes, tents, paddleboards and kayaks
- Knowledge of indigenous plants and species
- Experience performing and instructing others in outdoor recreational activities
- Two (2) years' experience of progressively more responsible experience in recreation, outdoor education or a closely related field;

- Proficiency with Microsoft Office Suite applications including, Outlook, Word, Excel, Power Point, Publisher, and Access, and Photo Editor;

An individual who poses a direct threat to the health and safety of himself/herself or others in the workplace will be deemed not qualified for this position.

SPECIFIC DUTIES

Each general responsibility is followed by a list of the specific tasks necessary to perform the duty. Essential functions are noted by an "*".

Under the direction of the Recreation Director, the Recreation Programmer performs a variety of technical and routine tasks including but not limited to: coordination of recreation programs, set-up and tear down of program facilities, equipment, and materials, and participation in the management of the Old Firehouse Community Center.

* Manages, supervises and program and coordinates family programming, outdoor education programs and special event schedules of the Avon Lake Recreation Department, Avon Lake parks and other recreational facilities within the City
* Responsible for the overall effective operation and quality of youth, adult and family programs and activities
* Prepares seasonal and yearly program reports for all areas, including program evaluation, participation numbers, expenditures, revenue projections and various forecasting for submission to the Director of Recreation and City Council when assigned
* Supervise the family programs, outdoor education programs and special event staff
* Manage, coordinate and supervise the cleaning, opening and operation of the beaches, pier and programs and staff assigned
* Manage, coordinate and supervise Park Attendants and their assigned duties in the city parks including the Summer Band Concerts
* Prepares marketing materials for recreation programs, events, and services, including but not limited to flyers, newsletters, electronic postings, advertisements, and public service announcements;
* Participates in Management the Old Firehouse Community Center, including but not limited to the schedule of events - including recreation

programming and community group meetings, and the maintenance of the facility – including cleaning of floors, bathrooms, kitchen area, offices;

* Prepares contracts for recreation service providers and building use agreements for community groups;
* Distributes and collects program evaluations and shares results with contract instructors and staff;
* Makes recommendations regarding equipment and supplies required for recreation programs;
* Interviews, trains, and oversees seasonal recreation programming staff and volunteers
* Maintains open and frequent communications with department staff regarding programs, facilities and staffing issues;
* Evaluates, researches, and recommend budgetary requests to Recreation Director;
* Researches alternative funding for departmental programs, events, and services, including but not limited to: fundraising, grants, partnerships, consortiums;
* Increases and extends Recreational knowledge and experience through attending and participating in meetings, workshops, conferences, trainings, and similar;
* Communicates clearly, effectively, and in a timely manner with the public via direct contact, telephone, written form, and electronic means including but not limited to texting, e-mails, tweeting, FaceTime or Skype (or similar), Instagram, etc.;
* To perform other duties as assigned or as necessary to the proper functioning of the Avon Lake Recreation Department as required by the Director of Recreation

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

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

- Possess strong, organizational and interpersonal communication skills.
- Exhibit ability and willingness to work flexible schedule that includes evenings, weekends, and holidays
- Computer skills including, but not limited to, Windows 7, Microsoft Office, spreadsheet design and application
- Event programming experience required
- Facilities scheduling experience required
- Office/Media equipment knowledge required
- Visual ability sufficient to read and write reports, correspondence and instructions
- Hearing and speaking ability sufficient to communicate effectively with other individuals in person and via other methods of communication
- Ability to read, write and speak the English language sufficient to perform the essential functions of the position
- Knowledge of the operation of vehicles, phones, copiers, fax machines, computers, and other office equipment;
- Knowledge of policies, procedures, rules, and ordinances pertaining to the parks and of the use of facilities;
- Ability to meet the public courteously and to provide information;
- Ability to schedule programs for the city and for private functions while not neglecting the City's programs;
- Knowledge of the care and upkeep of recreation facilities;
- Skill in office related tasks such as, accurate recordkeeping, documentation, good writing skills, organization skills, computer system skills;
- Ability to establish and maintain effective working relationships with co-workers, subordinates, and other City employees as will as the general public;
- Ability to plan and oversee the work of seasonal employees

PHYSICAL AND MENTAL DEMANDS

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

While performing the duties of this position, the employee is frequently required to sit, stand, walk, run, use fingers and hands dexterously to operate tools, equipment or controls, reach with arms and hands, climb, balance, stoop, kneel, crouch, or crawl, and communicate orally. The employee must work outside in adverse weather conditions, occasionally transport up to 20 pounds, walk up to one mile, and stand for extended periods occasionally.

WORK ENVIRONMENT

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

This job requires sedentary work that involves walking or standing frequently, exerting up to 20 pounds of force on a recurring basis, and routine keyboard operations. The job risk includes exposure to bright/dim light, chemicals, blood borne pathogens, and environmental hazards.

BY: Mr. James TEMP NO: 10739

ORDINANCE NO. _____

AN ORDINANCE AWARDING A CONTRACT TO OGLESBAY CONSTRUCTION FOR STREET CENTERLINE AND EDGE LINE STRIPING, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Director has caused notice to be given as provided by law, inviting bids for street centerline and edge line striping, with one bid having been received, opened, and tabulated as provided by law, and

WHEREAS, Council coming now to consider said sole bid has determined that the bid submitted by Oglesbay Construction of Norwalk, 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 bid by Olgesbay Construction of Norwalk, Ohio (hereafter referred to as "Contractor") for street centerline and edge line striping, for the City of Avon Lake, Ohio, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $109,650.00.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $109,650.00 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Director to be due said Contractor under the

contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: 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. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of completing the street centerline and edge line striping to ensure the safe flow of traffic, thus for the public health, safety and welfare. Therefore, this Ordinance 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: 10740

ORDINANCE NO. _____

AN ORDINANCE AWARDING A CONTRACT FOR THE 2016 CONCRETE STREET PROGRAM PHASE 2, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the 2016 Concrete Street Program, Phase 2, which have been and are now on file in the Public Works Department, and

WHEREAS, further in accordance with the direction of Council, the Public Works Department has caused notice to be given as provided by law, inviting bids for construction of said improvements, with bids having been received, opened and tabulated as provided by law, and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Denes Concrete of Wellington, Ohio, is the lowest and best responsive bid and is acceptable to this Council, now therefore;

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

Section No. 1: That the bid by Denes Concrete of Wellington, Ohio (hereafter referred to as "Contractor") for the 2016 Concrete Street Program, Phase 2 for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $129,690.00.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $129,690.00 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: 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. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of implementing the 2016 Concrete Street Program during the summer construction season to provide safe roads in the City of Avon Lake, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos

TEMP NO: 10741

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF RADIO REPEATER EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Cities of Avon Lake, Avon, and Sheffield Lake wish to purchase radio repeater equipment to operate their shared radio frequency, and

WHEREAS, Section 59 of the Avon Lake Charter allows for the purchase of equipment without public bidding through employment of cooperative purchase arrangements with other governmental entities, and

WHEREAS, Council coming now to consider said purchase 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 quote by Vasu Communications of Avon, Ohio to supply the City with radio repeater equipment for the Police Department in the amount of $19,450.00 is hereby accepted and approved.

Section No. 2: That upon delivery of the radio repeater equipment, with the proper specifications, to the full satisfaction of the Police Chief and Director of Finance, the Director of Finance is hereby directed to deliver to Vasu Communication of Avon, Ohio, the warrant of this City in an amount not to exceed $19,450.00.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to provide the Police Department with updated equipment in order that they may promptly and efficiently perform their duties, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and

effect from and immediately after its passage and approval by the Mayor.

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos TEMP NO. 10742

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has entered into a Cooperative Purchasing Program with the State of Ohio, and

WHEREAS, the State has advertised for bids for the purchase of radio equipment for the Police Department and finds that the bid of Vasu Communications of Avon, Ohio to be the lowest and best bid, now therefore;

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

Section No. 1: That the bid by Vasu Communications of Avon, Ohio submitted through the Cooperative Purchasing Program of the State of Ohio, to supply the City with radio equipment for the Police Department in the amount of $49,535.50 be and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City of the radio equipment, with the proper specifications, to the full satisfaction of the Police Chief and Director of Finance, the Director of Finance is hereby directed to deliver to Vasu Communications of Avon, Ohio, the warrant of this City in the amount of $49,535.50 and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to provide the Police Department with updated radio 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.

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

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Kos

TEMP NO: 10743

ORDINANCE NO. _____

AN ORDINANCE IMPOSING A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE FOR THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, IN ORDER TO ALLOW COUNCIL AND THE PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE PLANNING AND ZONING CODE RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY.

WHEREAS, on June 8, 2016, the Ohio General Assembly adopted and the Governor signed into law 131 Sub. H.B. 523, which becomes effective September 8, 2016;

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park;

WHEREAS, Revised Code Section 3796.29, enacted by 131 Sub. H.B. 523, allows municipalities to prohibit, or limit the number of, cultivators, processors, or retail dispensaries of medical marijuana within their corporate limits;

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the City in order to formulate a local response to 131 Sub. H.B. 523;

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

Section No. 1: That Council hereby imposes a moratorium on the granting of zoning permits, building permits, or certificates of occupancy for any building, structure, use or change of use for the cultivation, processing, or retail sale of medical marijuana for a period not to exceed one hundred eighty (180) days from the effective date of this Ordinance, in order to

allow Council and the Planning Commission to review applicable Ohio statutes, criminal codes and the Planning and Zoning Code relative to such use.

Section No. 2: That during the period of the moratorium, no zoning permit, building permit, certificate of occupancy or any other permit shall be granted to a business for opening, using any land or devoting any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana. During the period of the moratorium, no existing business in the City may establish cultivation, processing, or retail sale of medical marijuana.

Section No. 3: That the moratorium shall be in effect for a period of one hundred eighty (180) days from the effective date of this Ordinance or until changes are enacted to amend the Codified Ordinances of the City of Avon Lake to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section No. 4: That for the purpose of this Ordinance, " medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 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 need to institute the moratorium at the earliest possible date because Chapter 3796 of the Revised Code will become effective on September 8, 20-16, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch TEMP NO: 10744

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 1024.06 (h) AND 1024.10, EMERGENCY ACCESS GATES, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Sections 1024.06 (h) and 1024.10 regarding 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 Sections 1024.06 (h) and 1024.10 are hereby amended as follows:

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.~~

1024.10 MAINTENANCE.

~~Gates~~Except for gates kept in the open position, gates and their emergency access systems must be maintained in good working condition at all times. Any gate or the emergency access systems for which is not in good working order must be immediately placed in the open position and kept in the open position until the gate and its emergency access systems are in good working condition.

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 ensure access of the safety forces to gated communities in emergency situations and to ensure proper maintenance of said gates, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. James TEMP NO: 10745

RESOLUTION NO. _____

A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, AND REPEALING ORDINANCE NO. 169-2015.

WHEREAS, a resident at 31906 Lake Road, in the City of Avon Lake has requested permission to construct a concrete breakwall and armor stone revetment in Lake Erie, at Avon Lake, Lorain County, Ohio, and

WHEREAS, as part of the application to lease submerged land, the parties involved must submit to the Ohio Department of Natural Resources, a resolution from the Avon Lake City Council approving the proposed use of the submerged lands, now therefore;

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

Section No. 1: That the City of Avon Lake finds and determines that the submerged lands to be occupied by the project for the construction of a concrete breakwall and armor stone revetment at 31906 Lake Road are not necessary or required for the construction, maintenance, or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements and marginal highways in the aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

Section No. 2: That the property owner shall take the necessary precautions to avoid damage to the municipal infrastructure and shall be responsible for reimbursement to the City of any cost necessary to repair damage caused by the construction described in Section No. 1 herein.

Section No. 3: That prior to constructing the project described in Section No. 1 herein, the property owner shall contact the Public Works Department in order that said Public Works Department may inspect the property and municipal infrastructure in the area, by videotape or such other means, to assess the area prior to the project for the purpose of determining if any damage is incurred as a result of the construction of the project referred to herein.

Section No. 4: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Ohio Department of Natural Resources, Office of Real Estate and Land Management.

Section No. 5: That Ordinance No. 169-2015 is hereby repealed.

Section No. 6: 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. 7: That this Resolution is hereby declared to be an emergency measure in order for the property owner to begin the approval process and to immediately secure materials to begin the erosion control project to protect the Lake Erie shoreline, thus for the public health, safety, and welfare. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____ _____
President of Council

POSTED: _____ _____
Approved

ATTEST: _____ _____
Clerk of Council Mayor

BY: Mr. Shondel TEMP NO: 10746

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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

Section No. 1: That the appointment by the Judge of the Municipal Court of Avon Lake of Michelle Miller to the position of full-time Deputy Clerk of the Municipal Court, effective September 26, 2016, be and it is hereby approved and confirmed.

Section No. 2: That the powers, duties, and responsibilities to be performed and undertaken by the Deputy Clerk of the Municipal Court shall be those prescribed in Section 1901.31 of the Ohio Revised Code.

Section No. 3: That on the basis of Ms. Miller's experience and ability, Council does hereby fix and establish a rate of $14.00 per hour for the position, payable bi-weekly as determined by the Finance Director. That after successfully completing her 60 working day probationary period, Ms. Miller shall be compensated $14.56 per hour.

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

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing the Municipal Court with adequate personnel for the efficient operation of the Court, thus for the preservation of the public's health, safety, and welfare. Therefore, this Ordinance 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. Shondel TEMP NO: 10747

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING WAGE INCREASES FOR COURT PERSONNEL, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Judge of the Avon Lake Municipal Court and the Human Resources Committee of Council that certain employees be granted wage increases based upon qualifications, competencies, and job performance, and

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

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

Section No. 1: That the following Court employees be granted wage increases.

Employee	New Rate	Effective Date
Diane Robertson Deputy Clerk	$20.75/hour	September 12, 2016
Teresa Blankenship Deputy Clerk	$17.22/hour	September 12, 2016
Shanna Dennis Deputy Clerk	$16.53/hour	September 12, 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 complying with the Wage and Salary Administration Code and the provisions of Section 1901.31(H) of the Ohio Revised Code. Therefore, this Ordinance 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