

**VOTING ORDER**

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

**CITY OF AVON LAKE  
150 AVON BELDEN ROAD  
AVON LAKE, OHIO**

The following business is to be considered at the regular meeting of the Avon Lake City Council on March 23, 2015 at 7:30 P.M. in the Council Chamber.

**Pledge of Allegiance**

**Roll Call: Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.**

**Approval of Minutes: March 9, 2015 Regular Council Meeting as prepared and published.**

**Appointment of a Firefighter/Paramedic**

**Temporary Legislation #10481, confirming the appointment of a Firefighter/Paramedic.→**

**Administration of the Oath of Office to Michael Pertz by Law Director Lieberman.**

**Correspondence**

**Reports**

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

**Audience Participation**

**Legislation**

**Third Readings:**

**Temporary Legislation #10454R, enacting Section 260.26 and Chapter 268 of the Codified Ordinances and amending Sections 260.22, 278.04, 1468.05, and 1476.36 to grant City Council, Boards, Committees, and Commissions the power to subpoena witnesses and documents.**

**Temporary Legislation #10463, amending Ordinance No. 19-2015, confirming the appointment of the Mayor's Secretary.**

**Second Readings:**

**Temporary Legislation #10470, approving an application made by ABK Limited to have certain land owned by it designated as being located within an agricultural district.→**

**Temporary Legislation #10471, approving an application made by LNK Limited to have certain land owned by it designated as being located within an agricultural district.→**

**Temporary Legislation #10472, confirming the appointment of Edward Ward as Equipment Operator in the Public Works Department.→**

**Temporary Legislation #10473, awarding a contract for the 2015 Asphalt Street Program.→**

**Temporary Legislation #10474, awarding a contract for the Miller Road Park Sand Dredging Project.→**

**Temporary Legislation #10475, authorizing the Mayor to execute a personal service agreement with GO2IT Group for IT managed services.→**

**Temporary Legislation #10476R, establishing the salaries of Council members.**

**Temporary Legislation #10477, authorizing a sports affiliate grant to the Avon Lake Soccer Organization.→**

**Temporary Legislation #10478, enacting Chapter 662 of the Codified Ordinances to provide for the recovery of costs to respond to and abate nuisance activities.**

**Temporary Legislation #10479, fixing a pay range for Avon Lake Regional Water Inspectors.**

**Temporary Legislation #10480, allowing wine to be sold, served, dispensed, and consumed at a one-day festival to be held at Veterans Memorial Park.→**

**First Readings:**

**Temporary Legislation #10482, establishing holiday pay for the positions of part-time Police Officers and part-time Police Dispatchers.**

**Temporary Legislation #10483, fixing a pay range for Dial-a-Bus Van Drivers.**

**Temporary Legislation #10484, authorizing the Mayor to sign a participation agreement for the purchase of rock salt.→**

**Temporary Legislation #10485, approving the improvement plan for Piccolo Place No. 3.→**

**Temporary Legislation #10486, approving the improvement plan for Avon Center Estates No. 2.→**

**Temporary Legislation #10487, approving a conditional use site plan for a family center at St. Joseph Church.→**

**Temporary Legislation #10488, designating the Dunning Home located at 240 Jaycox Road as a historic landmark.**

**Temporary Legislation #10489, providing for the continued defense of the City in an action filed by James Pietrangelo.→**

**Temporary Legislation #10490, confirming the appointment of Ronald Hoerig as a Laborer.→**

**Temporary Legislation #10491, confirming the appointment of Patrick Stokes as a Laborer.→**

**Temporary Legislation #10492, approving the editing of the Codified Ordinances.**

**Temporary Legislation #10493, authorizing the entering into a water supply revolving loan account agreement.→**

**Temporary Legislation #10494, authorizing entering into a water pollution control loan fund agreement.→**

### **Business and Announcements**

### **Public Input**

### **Adjournment**

BY: Mr. Bucci

TEMP NO: 10481

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

AN ORDINANCE CONFIRMING THE APPOINTMENT OF A  
FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT,  
AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and an eligibility list established for such position and the Mayor has submitted to this Council for confirmation an appointment to said position, now therefore;

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

Section No. 1: That the appointment of Michael Pertz to the position of Firefighter/Paramedic in the Fire Department, be, and it is hereby approved and confirmed to serve at the will of Council during his probationary period which is hereby set as one calendar year from the effective date of hire.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Firefighter/Paramedic are shown in the job description for said position adopted by Ordinance No. 132-2011.

Section No. 3: That with Council's present knowledge of Mr. Pertz's experience, ability, and current certifications it has and does fix a bi-weekly Step 1 salary of \$2,020.26 for the position, effective March 30, 2015.

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

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to fully staff the Fire Department to ensure the efficient operation of the Department, thus for the preservation of the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately upon its passage and approval by the Mayor.

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

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

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

BY: Mr. Bucci

TEMP NO: 10463

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

AN ORDINANCE AMENDING ORDINANCE NO. 19-2015  
CONFIRMING THE APPOINTMENT OF MARY KRUPAR TO THE  
POSITION OF SECRETARY TO THE MAYOR, AND DECLARING  
AN EMERGENCY.

WHEREAS, it has been determined that Ordinance No.  
19-2015 needs to be amended, now therefore;

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

Section No. 1: That Ordinance No. 19-2015 is hereby  
amended as follows:

**Section No. 4: That in addition to applicable benefits  
provided to full-time, non-bargaining unit employees, Mrs.  
Krupar shall receive 8.33 paid vacation days to be taken by  
December 31, 2015. Mrs. Krupar shall also receive two  
personal days to be taken by December 31, 2015.**

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 fulfill commitments made to an employee and to  
advise the Finance Department in order for their payroll  
records to be accurate. Therefore, this ordinance shall be  
in full force and effect immediately upon passage and  
approval by the Mayor.

1<sup>st</sup> reading: 2/23/15  
2<sup>nd</sup> reading: 3/09/15  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP NO: 10454R

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

AN ORDINANCE ENACTING SECTION 220.26 AND CHAPTER 268 OF THE CODIFIED ORDINANCES AND AMENDING SECTIONS 260.22, 278.04, 1468.05 and 1476.36 OF THE CODIFIED ORDINANCES TO GRANT CITY COUNCIL AND THE BOARDS, COMMISSIONS AND COMMITTEES THE POWER TO SUBPOENA WITNESSES AND RECORDS; AND DECLARING AN EMERGENCY.

WHEREAS, Council has determined that it is advisable to grant Council, Planning Commission and all Boards, Commissions and Committees established by the Charter or ordinance the power to subpoena witnesses and records;

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

Section No. 1: That there is hereby enacted new Section 220.26 of the Codified Ordinances of Avon Lake, to read 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. 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 subsection, 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 Section 260.22 of the Codified Ordinances of the City is hereby amended as follows:

**260.22 JURY AND WITNESS DUTY.**

In the event a City employee is called for jury duty or is required to testify as a witness pursuant to subpoena or court order issued by any court of record and of competent jurisdiction, or by Council or any Board or Commission of the City, the City shall pay to such employee such compensation as the said employee was to receive as pay from the City based on his or her pay rate for the regularly scheduled work time lost in fulfilling the jury duty or witness call responsibility, if any, and excluding overtime. Such employee must provide adequate evidence to prove to the satisfaction of the City that he or she is entitled to such regular compensation. Notwithstanding the provisions of this section, no City employee shall receive such jury duty or witness compensation as called for herein if such employee is also entitled to receive any benefit or compensation for jury duty or serving as a witness during regularly scheduled work time by virtue of the terms of a collective bargaining agreement with the City in effect at the time involved.

Section No. 3: That Subsection 278.04(b) of the Codified Ordinances of the City is hereby amended as follows:

(b) The Commission shall also provide by rule, within the framework set forth in Section 256.13, for appeals from the action of the Mayor, department heads, elected officials, boards and Council in any case of transfer, reduction or removal. The Commission is authorized to subpoena witnesses and to require the production of records, in accordance with Chapter 268 of the Codified Ordinances. The action of the Commission on any such appeal shall be final, except as otherwise provided by laws of the State.

Section No. 4: That there is hereby enacted new Chapter 268 of the Codified Ordinances of Avon Lake, to read as follows:

**CHAPTER 268  
Subpoenas**

**268.01 POWER TO ISSUE SUBPOENAS.**

Every Board, Commission or Committee created by the Charter or ordinance that has not otherwise been granted such power by the Charter or ordinance shall have the power to subpoena witnesses and books, documents, records or other evidence at the request of any member of such Board, Commission or Committee or at the request of any person who will appear at a hearing before such Board, Commission or Committee. The President, Chair or other head of such Board, Commission or, in his or her absence or unavailability, the acting head of such Board, Commission or Committee shall sign any subpoena to be issued pursuant to this subsection, 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 or secretary of such Board, Commission or Committee. The Director of Law, the Assistant Director of Law or, in their absence or unavailability, the Chair or any other member of such Board, Commission or Committee may administer the requisite oaths to witnesses, and such Board, Commission or Committee 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 such Board, Commission or Committee, a misdemeanor of the fourth degree.

**268.02            LIMITATIONS ON THE ISSUANCE OF SUBPOENAS.**

The power of Council and every Board, Commission or Committee to issue subpoenas shall be subject to the following limitations:

- (a)    The body issuing the subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.
- (b)    The subpoena must allow the person to whom it is issued a reasonable time to comply.
- (c)    The subpoena must be pertinent to the subject matter area that is being heard or investigated by the body issuing the subpoena.
- (d)    The subject matter area to which such subpoena relates must be one that the body issuing the subpoena is authorized to hear or investigate.

In any prosecution brought for the refusal to obey a subpoena, it shall be a defense that the subpoena was issued in violation of this section, that the subpoena subjects the person to undue expense or burden, or that the testimony to be compelled or books, documents, records or other evidence to be produced is protected from release or disclosure by common law privilege or by any federal, state or local law.

Section No. 5: That Subsection 1468.05(f) of the Codified Ordinances of the City is hereby amended as follows:

~~(f) The Board may require the attendance of witnesses at the hearing to present testimony. Upon request, the Board may issue a subpoena for witnesses directed to the Sheriff of the county where the witnesses are found, and such subpoenas shall be served and returned in the same manner as those allowed by the Court of Common Pleas~~

~~in criminal cases. The fees of any Sheriff and the witness shall be the same as those allowed by the court of common pleas in criminal cases, and shall be paid in advance by the person requesting the subpoena. In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the Court of Common Pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge thereof, on application of the Board, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein. (f) The Board may subpoena witnesses and require the production of records in accordance with Chapter 268 of the Codified Ordinances.~~

Section No. 6: That Subsection 1476.36(g) of the Codified Ordinances of the City is hereby amended as follows:

(g) The Board shall issue subpoenas upon written request for the attendance of witnesses. ~~A reasonable deposit to cover the cost of issuance and service shall be collected.~~ production of documents in accordance with Chapter 268 of the Codified Ordinances.

Section No. 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 8: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of ensuring that Council and all Boards, Commissions and Committees are able to obtain all relevant information necessary to make informed decisions, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 2/9/15

2<sup>nd</sup> reading: 2/23/15

3<sup>rd</sup> reading:

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

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

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

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

A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY ABK LIMITED, THE SUCCESSOR IN INTEREST TO ALLAN A. AND BARBARA A. KLINGSHIRN, TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, THE GENERAL ASSEMBLY OF THE STATE OF OHIO HAS ENACTED SECTIONS 929.01 TO 929.05 AND 6111.034 OF THE OHIO REVISED CODE TO PERMIT THE ESTABLISHMENT OF AGRICULTURAL DISTRICTS TO PRESERVE AGRICULTURAL LAND, TO EXEMPT LAND IN THOSE DISTRICTS FROM THE COLLECTION OF SPECIFIED UTILITY ASSESSMENTS, TO PROVIDE OTHER BENEFITS FOR LAND IN THOSE DISTRICTS, TO FORBID TOWNSHIP AND COUNTY ZONING FROM RESTRICTING CERTAIN FARM MARKETS, AND TO PROVIDE A RIGHT TO FARM BY EXEMPTING GENERALLY ACCEPTED AGRICULTURE PRACTICES FROM AIR POLLUTION LAWS AND CERTAIN NUISANCE STATUTES, RULES, AND ORDINANCES; AND

WHEREAS, SECTION 929.03(D) PROVIDES THAT THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION MAY APPLY TO THE WATER AND SEWER COMMISSION CREATED BY DIVISION (C) OF SECTION 1525.11 OF THE OHIO REVISED CODE, FOR AN ADVANCE OF MONEYS FROM THE WATER AND SEWER FUND, CREATED BY DIVISION (A) OF SECTION 1525.11 OF THE OHIO REVISED CODE, IN AN AMOUNT EQUAL TO THAT PORTION OF THE COSTS OF WATER AND SEWER IMPROVEMENT AUTHORIZED BY LAW THAT IS TO BE FINANCED BY ASSESSMENTS WHOSE COLLECTION WOULD BE PROHIBITED ON REAL PROPERTY THAT IS PLACED WITHIN AN AGRICULTURAL DISTRICT; AND

WHEREAS, SECTION 929.02(B) O.R.C., PROVIDES THAT THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION MAY REJECT OR MODIFY AN APPLICATION FOR INCLUSION IN AN AGRICULTURAL DISTRICT FILED PURSUANT TO 929.02(A) O.R.C., IF SUCH REJECTION OR MODIFICATION IS NECESSARY TO PREVENT A SUBSTANTIAL, ADVERSE EFFECT ON, AMONG OTHER THINGS, THE PROVISION OF MUNICIPAL SERVICES WITHIN THE MUNICIPAL CORPORATION OR ON THE PUBLIC HEALTH, SAFETY OR WELFARE; AND

WHEREAS, THE CITY OF AVON LAKE IS EXPERIENCING ECONOMIC DIFFICULTIES DUE TO INCREASED COST OF MUNICIPAL OPERATION AND REDUCED SOURCES OF FUNDING, WHICH PLACE A BURDEN AND HANDICAP UPON ITS ABILITY TO PROVIDE MUNICIPAL SERVICES AND THUS PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AT THIS TIME AND IN THE FORESEEABLE FUTURE, AND

WHEREAS, THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION IS REQUIRED TO DEAL WITH EACH APPLICATION FOR INCLUSION IN AGRICULTURE DISTRICTS MADE BY AN OWNER OF REAL PROPERTY WHICH IS LOCATED WITHIN THE MUNICIPAL CORPORATION BY APPROVING, REJECTING OR APPROVING WITH MODIFICATIONS WITHIN A STATUTORY TIME FRAME; AND

WHEREAS, ABK LIMITED HAS FILED SUCH AN APPLICATION WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS THOUGH FULLY REWRITTEN, NOW

THEREFORE;

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

SECTION NO. 1: SAID APPLICATION IS APPROVED FOR ALL PURPOSES ENCOMPASSED BY SECTIONS 929.01 TO 929.05 AND 6111.034 OF THE OHIO REVISED CODE EXCEPT FOR THE FOLLOWING, WHICH CONSTITUTES A MODIFICATION AUTHORIZED BY SECTION 929.02(B) OF THE OHIO REVISED CODE, THE NECESSITY OF WHICH IS DEMONSTRATED BY THE ABOVE RECITALS.

THE REAL ESTATE DEVOTED TO AGRICULTURAL PRODUCTION, WHICH IS THE SUBJECT OF THE INSTANT APPLICATION, SHALL BE LIMITED TO 49.10 ACRES AND SHALL NOT BE DEEMED EXEMPT FROM THE COLLECTION OF SPECIAL ASSESSMENTS FOR WATER, SEWER OR ELECTRICAL SERVICE UNTIL SUCH TIME AS (1) THE STATUTORY WATER SEWER COMMISSION HAS ESTABLISHED RULES FOR APPLICATION BY MUNICIPALITIES FOR ADVANCE MONIES TO COVER THE ASSESSMENT EXEMPTIONS; (2) THE STATUTORY WATER AND SEWER FUND HAS BEEN FUNDED; (3) THE COUNCIL OF THE CITY OF AVON LAKE HAS OBTAINED APPROVAL UPON ITS APPLICATION FOR AN ADVANCE OF MONIES FROM SAID FUND; AND (4) THE APPLICANT HAS SIGNED AN AGREEMENT TO PAY ANY AND ALL FEES ASSESSED BY THE OHIO WATER AND SEWER ROTARY COMMISSION FOR PROCESSING SAID LOAN.

AT SUCH TIME IN THE FUTURE WHEN COUNCIL SHALL RESOLVE TO ENACT ANY RELEVANT IMPROVEMENT FOR WHICH A SPECIAL ASSESSMENT MUST BE LEVIED UPON REAL ESTATE, INCLUDING THAT WHICH FALLS WITHIN THE DESIGNATION OF AN AGRICULTURAL DISTRICT, THE CLERK OF COUNCIL WILL NOTIFY ALL PROPERTY OWNERS, WHOSE APPLICATION FOR INCLUSION IN AN AGRICULTURAL DISTRICT HAS BEEN APPROVED WITH THE INSTANT MODIFICATION, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FACT THAT SUCH RESOLUTION HAS BEEN MADE.

AT THE TIME OF SUCH RESOLUTION, COUNCIL WILL PURSUE APPLICATION FOR ADVANCEMENT OF MONIES FROM THE WATER AND SEWER COMMISSION TO COVER THE ASSESSMENTS ALLOCATED TO PROPERTY LOCATED WITHIN AGRICULTURAL DISTRICTS. ALL PROPERTY OWNERS WILL BE ADVISED AT PUBLIC MEETINGS OF THE PROGRESS AND/OR RESULTS OF COUNCIL'S APPLICATION FOR FUNDS. OWNERS OF PROPERTY LOCATED WITHIN AN AGRICULTURAL DISTRICT WILL BE NOTIFIED OF THE RESULT OF SUCH APPLICATION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

AT SUCH TIME AS COUNCIL DEEMS ITSELF ASSURED OF THE RECEIPT OF THE ADVANCED FUNDS AND UPON PAYMENT OF THE AFOREMENTIONED ADMINISTRATIVE FEES TO THE OHIO WATER AND SEWER ROTARY COMMISSION BY THE APPLICANT, IT SHALL LIFT THE INSTANT MODIFICATION AND, THEREBY, GRANT EXEMPTION TO ALL PROPERTIES LOCATED WITHIN AGRICULTURAL DISTRICTS, EFFECTIVE ON THE DATE OF THEIR ORIGINAL APPLICATION.

IN THE EVENT THAT COUNCIL'S APPLICATION IS REJECTED BY THE COMMISSION DUE TO LACK OF FUNDS IN ITS WATER AND SEWER FUND, OR FOR ANY OTHER REASON, OR IN THE EVENT THAT THE RESPONSE OF THE COMMISSION IS SUCH THAT COUNCIL DEEMS ITSELF UNASSURED THAT SUCH FUNDS WILL BE FORTHCOMING FROM THE COMMISSION, THEN THE INSTANT MODIFICATION WILL REMAIN IN EFFECT AND SPECIAL ASSESSMENT TAXES WILL BE LEVIED UPON

PROPERTY WITHIN AGRICULTURAL DISTRICTS UNTIL SUCH TIME AS THE SITUATION CHANGES AND COUNCIL DEEMS ITSELF ASSURED OF RECEIVING AN ADVANCE OF MONIES FROM THE WATER AND SEWER FUND.

SECTION NO. 2: IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THIS COUNCIL CONCERNING AND RELATING TO THE PASSAGE OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THE COUNCIL AND THAT ALL DELIBERATIONS OF THIS COUNCIL AND ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTION 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 RESOLUTION IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE, THE EMERGENCY BEING THE NECESSITY OF MEETING THE TIME LIMITATIONS PRESCRIBED BY THE STATE STATUTES. THEREFORE, THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL BY THE MAYOR.

1<sup>st</sup> reading: 3/09/15

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

## APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT (O.R.C. Section 929.02)

(See reverse side for General Information regarding this Application)

### INSTRUCTIONS FOR COMPLETING APPLICATION

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.
- **Note:** See "Where to File" on reverse side to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete the bottom portion. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: ABK Limited  
 Owner's Address: 33050 Webber Rd, Avon Lake, OH 44012  
 Description of Land as Shown on Property Tax Statement: Residential + Commercial  
Webber Rd + Pin Oak Parkway  
 Location of Property: \_\_\_\_\_  
 Street or Road \_\_\_\_\_  
 County Wilcox

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
<u>Avon Lake District (City)</u>	<u>04-00-008-101-186</u>	<u>1.95</u>
<u>Avon Lake District (City)</u>	<u>04-00-008-104-116</u>	<u>47.15</u>
<b>Total Number of Acres:</b>		<u>49.10</u>

B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?

Yes  No   
 If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.

C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?

Yes  No   
 1. If "NO" complete the following showing how the land was used the past three years:

	LAST YEAR Acres	TWO YEARS AGO Acres	THREE YEARS AGO Acres
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
<b>Total Acres</b>			

D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?

Yes  No   
 If "No," complete the following:  
 1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, OR  
 2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

**Authorization and Declaration**

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

ABK Limited Managing Partner Date: 2/9/15

BY: Mr. James

TEMP NO: 10471

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

A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY LNK LIMITED, AKA LEE AND NANCY KLINGSHIRN, TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, THE GENERAL ASSEMBLY OF THE STATE OF OHIO HAS ENACTED SECTIONS 929.01 TO 929.05 AND 6111.034 OF THE OHIO REVISED CODE TO PERMIT THE ESTABLISHMENT OF AGRICULTURAL DISTRICTS TO PRESERVE AGRICULTURAL LAND, TO EXEMPT LAND IN THOSE DISTRICTS FROM THE COLLECTION OF SPECIFIED UTILITY ASSESSMENTS, TO PROVIDE OTHER BENEFITS FOR LAND IN THOSE DISTRICTS, TO FORBID TOWNSHIP AND COUNTY ZONING FROM RESTRICTING CERTAIN FARM MARKETS, AND TO PROVIDE A RIGHT TO FARM BY EXEMPTING GENERALLY ACCEPTED AGRICULTURE PRACTICES FROM AIR POLLUTION LAWS AND CERTAIN NUISANCE STATUTES, RULES, AND ORDINANCES; AND

WHEREAS, SECTION 929.03(D) PROVIDES THAT THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION MAY APPLY TO THE WATER AND SEWER COMMISSION CREATED BY DIVISION (C) OF SECTION 1525.11 OF THE OHIO REVISED CODE, FOR AN ADVANCE OF MONEYS FROM THE WATER AND SEWER FUND, CREATED BY DIVISION (A) OF SECTION 1525.11 OF THE OHIO REVISED CODE, IN AN AMOUNT EQUAL TO THAT PORTION OF THE COSTS OF WATER AND SEWER IMPROVEMENT AUTHORIZED BY LAW THAT IS TO BE FINANCED BY ASSESSMENTS WHOSE COLLECTION WOULD BE PROHIBITED ON REAL PROPERTY THAT IS PLACED WITHIN AN AGRICULTURAL DISTRICT; AND

WHEREAS, SECTION 929.02(B) O.R.C., PROVIDES THAT THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION MAY REJECT OR MODIFY AN APPLICATION FOR INCLUSION IN AN AGRICULTURAL DISTRICT FILED PURSUANT TO 929.02(A) O.R.C., IF SUCH REJECTION OR MODIFICATION IS NECESSARY TO PREVENT A SUBSTANTIAL, ADVERSE EFFECT ON, AMONG OTHER THINGS, THE PROVISION OF MUNICIPAL SERVICES WITHIN THE MUNICIPAL CORPORATION OR ON THE PUBLIC HEALTH, SAFETY OR WELFARE; AND

WHEREAS, THE CITY OF AVON LAKE IS EXPERIENCING ECONOMIC DIFFICULTIES DUE TO INCREASED COST OF MUNICIPAL OPERATION AND REDUCED SOURCES OF FUNDING, WHICH PLACE A BURDEN AND HANDICAP UPON ITS ABILITY TO PROVIDE MUNICIPAL SERVICES AND THUS PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, AT THIS TIME AND IN THE FORESEEABLE FUTURE, AND

WHEREAS, THE LEGISLATIVE AUTHORITY OF A MUNICIPAL CORPORATION IS REQUIRED TO DEAL WITH EACH APPLICATION FOR INCLUSION IN AGRICULTURE DISTRICTS MADE BY AN OWNER OF REAL PROPERTY WHICH IS LOCATED WITHIN THE MUNICIPAL CORPORATION BY APPROVING, REJECTING OR APPROVING WITH MODIFICATIONS WITHIN A STATUTORY TIME FRAME; AND

WHEREAS, LNK LIMITED HAS FILED SUCH AN APPLICATION WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS THOUGH FULLY REWRITTEN, NOW THEREFORE;

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

SECTION NO. 1: SAID APPLICATION IS APPROVED FOR ALL PURPOSES ENCOMPASSED BY SECTIONS 929.01 TO 929.05 AND 6111.034 OF THE OHIO REVISED CODE EXCEPT FOR THE FOLLOWING, WHICH CONSTITUTES A MODIFICATION AUTHORIZED BY SECTION 929.02(B) OF THE OHIO REVISED CODE, THE NECESSITY OF WHICH IS DEMONSTRATED BY THE ABOVE RECITALS.

THE REAL ESTATE DEVOTED TO AGRICULTURAL PRODUCTION, WHICH IS THE SUBJECT OF THE INSTANT APPLICATION, SHALL BE LIMITED TO 4.78 ACRES AND SHALL NOT BE DEEMED EXEMPT FROM THE COLLECTION OF SPECIAL ASSESSMENTS FOR WATER, SEWER OR ELECTRICAL SERVICE UNTIL SUCH TIME AS (1) THE STATUTORY WATER SEWER COMMISSION HAS ESTABLISHED RULES FOR APPLICATION BY MUNICIPALITIES FOR ADVANCE MONIES TO COVER THE ASSESSMENT EXEMPTIONS; (2) THE STATUTORY WATER AND SEWER FUND HAS BEEN FUNDED; (3) THE COUNCIL OF THE CITY OF AVON LAKE HAS OBTAINED APPROVAL UPON ITS APPLICATION FOR AN ADVANCE OF MONIES FROM SAID FUND; AND (4) THE APPLICANT HAS SIGNED AN AGREEMENT TO PAY ANY AND ALL FEES ASSESSED BY THE OHIO WATER AND SEWER ROTARY COMMISSION FOR PROCESSING SAID LOAN.

AT SUCH TIME IN THE FUTURE WHEN COUNCIL SHALL RESOLVE TO ENACT ANY RELEVANT IMPROVEMENT FOR WHICH A SPECIAL ASSESSMENT MUST BE LEVIED UPON REAL ESTATE, INCLUDING THAT WHICH FALLS WITHIN THE DESIGNATION OF AN AGRICULTURAL DISTRICT, THE CLERK OF COUNCIL WILL NOTIFY ALL PROPERTY OWNERS, WHOSE APPLICATION FOR INCLUSION IN AN AGRICULTURAL DISTRICT HAS BEEN APPROVED WITH THE INSTANT MODIFICATION, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FACT THAT SUCH RESOLUTION HAS BEEN MADE.

AT THE TIME OF SUCH RESOLUTION, COUNCIL WILL PURSUE APPLICATION FOR ADVANCEMENT OF MONIES FROM THE WATER AND SEWER COMMISSION TO COVER THE ASSESSMENTS ALLOCATED TO PROPERTY LOCATED WITHIN AGRICULTURAL DISTRICTS. ALL PROPERTY OWNERS WILL BE ADVISED AT PUBLIC MEETINGS OF THE PROGRESS AND/OR RESULTS OF COUNCIL'S APPLICATION FOR FUNDS. OWNERS OF PROPERTY LOCATED WITHIN AN AGRICULTURAL DISTRICT WILL BE NOTIFIED OF THE RESULT OF SUCH APPLICATION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

AT SUCH TIME AS COUNCIL DEEMS ITSELF ASSURED OF THE RECEIPT OF THE ADVANCED FUNDS AND UPON PAYMENT OF THE AFOREMENTIONED ADMINISTRATIVE FEES TO THE OHIO WATER AND SEWER ROTARY COMMISSION BY THE APPLICANT, IT SHALL LIFT THE INSTANT MODIFICATION AND, THEREBY, GRANT EXEMPTION TO ALL PROPERTIES LOCATED WITHIN AGRICULTURAL DISTRICTS, EFFECTIVE ON THE DATE OF THEIR ORIGINAL APPLICATION.

IN THE EVENT THAT COUNCIL'S APPLICATION IS REJECTED BY THE COMMISSION DUE TO LACK OF FUNDS IN ITS WATER AND SEWER FUND, OR FOR ANY OTHER REASON, OR IN THE EVENT THAT THE RESPONSE OF THE COMMISSION IS SUCH THAT COUNCIL DEEMS ITSELF UNASSURED THAT SUCH FUNDS WILL BE FORTHCOMING FROM THE COMMISSION, THEN THE INSTANT MODIFICATION WILL REMAIN IN EFFECT AND SPECIAL ASSESSMENT TAXES WILL BE LEVIED UPON PROPERTY WITHIN AGRICULTURAL DISTRICTS UNTIL SUCH TIME AS THE SITUATION CHANGES AND COUNCIL DEEMS ITSELF ASSURED OF RECEIVING AN



**APPLICATION FOR PLACEMENT OF FARMLAND IN AN AGRICULTURAL DISTRICT  
(O.R.C. Section 929.02)**

(See reverse side for General Information regarding this Application)

**INSTRUCTIONS FOR COMPLETING APPLICATION**

Print or type all entries.

- List description of land as shown on the most recent tax statement or statements. Show total number of acres.
- Describe location of property by roads, etc., and taxing district where located.
- State whether any portion of land lies within a municipal corporation.
- **Note:** See "Where to File" on reverse side to be sure that a copy of this Application is also filed with the Clerk of the municipal legislative body as well as the County Auditor.
- A renewal application must be submitted after the first Monday in January and prior to the first Monday in March of the year in which the agricultural district terminates for the land to be continued in this program.
- If the acreage totals 10 acres or more, do not complete Part D.
- If the acreage totals less than 10 acres, complete either D (1) or (2).
- Do not complete the bottom portion. This space to be completed by the County Auditor and/or Clerk of the municipal legislative body.

A. Owner's Name: LNK Limited  
 Owner's Address: 33090 Webber Rd Avon Lake OH 44012  
 Description of Land as Shown on Property Tax Statement: From - 044and - 188

Location of Property: 33090 + 33050 Webber Rd, Lorain County  
Street or Road

TAX DISTRICT(S)	PARCEL NUMBER(S)	# of Acres
<u>11 Avon Lake City / Avon Lake CSD</u>	<u>04-00-008-101-189</u>	<u>4.78</u>
<b>Total Number of Acres:</b>		<u>4.78</u>

- B. Does any of the land lie within a municipal corporation limit or subject to pending annexation?  
 Yes  No   
 If YES, REMEMBER a copy of this application must be submitted to the Clerk of the municipal legislative body.
- C. Is the land presently being taxed at its current agricultural use valuation under Section 5713.31 of the Ohio Revised Code?  
 Yes  No
1. If "NO" complete the following showing how the land was used the past three years:

	LAST YEAR Acres	TWO YEARS AGO Acres	THREE YEARS AGO Acres
Cropland			
Permanent Pasture used for animal husbandry			
Woodland devoted to commercial timber and nursery stock			
Land Retirement or Conservation Program pursuant to an agreement with a federal agency			
Building areas devoted to agricultural production			
Roads, building areas, and all other areas not used for agricultural production			
<b>Total Acres</b>			

- D. Does the land for which the application is being made total 10 acres or more devoted exclusively to agricultural production or devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government?  
 Yes  No   
 If "No," complete the following:
1. Attach evidence of the gross income for each of the past 3 years, if the average yearly income from agricultural production was at least twenty-five hundred (\$2,500.00) dollars or more, OR
  2. If the owner anticipates that the land will produce an annual gross income of twenty-five hundred (\$2,500.00) dollars or more, evidence must be attached showing the anticipated gross income.

**Authorization and Declaration**

By signing this application I authorize the county auditor or his duly appointed agent to inspect the property described above to verify the accuracy of this application. I declare this application (including accompanying exhibits) has been examined by me and to the best of my knowledge and belief is a true, accurate and correct application. I understand that land removed from this program before the 5-year enrollment period is subject to penalty, in accordance with Section 929.02(D) of the Ohio Revised Code.

Date: 2/9/15

BY: Mr. Bucci

TEMP NO: 10472

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

AN ORDINANCE CONFIRMING THE APPOINTMENT OF EDWARD WARD AS EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Public Works Director and Human Resources Committee of Council that Edward Ward be promoted to the position of Equipment Operator in the Public Works Department, and

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

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

Section No. 1: That the promotion of Edward Ward to the position of Equipment Operator in the Public Works Department, effective March 23, 2015, be and it is hereby approved and confirmed, subject to all provisions of Chapter 258 of the Codified Ordinances of the City of Avon Lake.

Section No. 2: That the duties and responsibilities to be undertaken by the Equipment Operator in the Public Works Department shall be those set forth for such position in Ordinance No. 30-2012.

Section No. 3: That with Council's present knowledge of Mr. Wards's experience and ability it has and does hereby fix the rate of \$29.81 per hour, payable bi-weekly as determined by the Director of Finance.

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 Public Works Department with adequate personnel for the efficient operation of the Department, 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 after its passage and approval.

1<sup>st</sup> reading: 3/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP NO: 10473

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

AN ORDINANCE AWARDED A CONTRACT FOR THE  
2015 ASPHALT STREET PROGRAM, AND DECLARING  
AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the 2015 Asphalt Street Program, 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, 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 Precision Paving, Inc. of Milan, 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 Precision Paving, Inc. of Milan, Ohio (hereafter referred to as "Contractor") for the 2015 Asphalt Street Program 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 \$579,068.05.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of \$579,068.05 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 2015 Asphalt 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.

1<sup>st</sup> reading: 3/09/15

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP NO: 10474

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

AN ORDINANCE AWARDED A CONTRACT FOR THE  
MILLER ROAD PARK SAND DREDGING PROJECT, AND  
DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the Miller Road Park Sand Dredging Project, 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 said improvement, 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 J-Way Trucking of Avon, 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 J-Way Trucking of Avon, Ohio, (hereafter referred to as "Contractor") for the Miller Road Park Sand Dredging Project for the City of Avon Lake, Ohio, in accordance with the plans and specifications prepared by the Public Works Department be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bids received. The total amount of said contract is in the sum of \$47,845.00.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of \$47,845.00 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 project has been completed to his full satisfaction 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 dredging the sand from the boat launch area at Miller Road Park before the fish spawning season and to be in time for the upcoming boating season to ensure safe boating, thus for the public health, safety, and welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1<sup>st</sup> reading: 3/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. Meiners

TEMP NO: 10475

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

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE  
A PERSONAL SERVICES AGREEMENT WITH GO2IT  
GROUP FOR INFORMATION TECHNOLOGY (IT) MANAGED  
SERVICES, AND DECLARING AN EMERGENCY.

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

WHEREAS, the City of Avon Lake desires to retain the personal services of GO2IT for IT managed services effective April 1, 2015, now therefore;

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

Section No. 1: That the Mayor is hereby authorized and directed to enter into an agreement with GO2IT Group of Westlake, Ohio, for IT managed services as provided in such agreement between the City of Avon Lake and GO2IT Group. The agreement shall state among its terms that the cost of said personal services shall be billed monthly and shall not exceed \$48,000.00 for the duration of the agreement. Upon completion of said computer services to the satisfaction of the Director of Finance, he is hereby directed to deliver to GO2IT Group the warrant of this City and to cause said warrant to be paid.

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

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing the employees of the City of Avon Lake with IT managed services so they can perform their duties efficiently and maintain the operation of City departments, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 3/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. Shondel

TEMP NO: 10476R

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

AN ORDINANCE ESTABLISHING THE SALARIES OF MEMBERS OF COUNCIL OF THE MUNICIPALITY OF AVON LAKE, OHIO IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL CHARTER.

WHEREAS, Section 7 of the Avon Lake Charter, provides for City Council to fix the salary of its members by the first day of June of each year, and

WHEREAS, after comparing the compensation provided to Council members in comparable municipalities, the Human Resources Committee has determined that the salaries of members of Council ought to be increased, now therefore;

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

Section No. 1: That from and after the first day of January 2016 and thereafter until modified by Council in accordance with the provisions of the Charter of the Municipality of Avon Lake, Ohio, the salary of each Council member of the municipality shall be \$12,000 per annum, payable as outlined in Section 7 of the Avon Lake Municipal Charter.

Section No. 2: That from and after the first day of January 2016 and thereafter until modified by Council, the member of Council who has been chosen as President by the Council, as provided for in Section 8A of the Municipal Charter, shall in addition to the regular compensation as a member of Council be paid an additional compensation of \$2000.00 per annum, payable as outlined in Section 7 of the Avon Lake Charter.

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.

1<sup>st</sup> reading: 03/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. James

TEMP NO: 10477

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

AN ORDINANCE AUTHORIZING A SPORTS AFFILIATE  
GRANT TO THE AVON LAKE SOCCER ORGANIZATION,  
AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Parks & Recreation Commission that a sports affiliate grant be made to the Avon Lake Soccer Organization, and

WHEREAS, the Council of the City of Avon Lake has determined that said grant to the Avon Lake Soccer Organization is for a public purpose and will help the organization continue to provide recreational services to the community, now therefore;

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

Section No. 1: That the Council of the City of Avon Lake hereby directs the Finance Director to pay the amount of \$15,000.00 to the Avon Lake Soccer Organization.

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 immediate necessity of appropriating money for the payment of current and necessary expenses of the Avon Lake Soccer Organization in order for the youth of Avon Lake to be able to participate in this worthwhile sports activity, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 3/09/15

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mr. O'Donnell

TEMP NO: 10478

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

AN ORDINANCE ENACTING CHAPTER 662 OF THE CODIFIED ORDINANCES TO PROVIDE FOR THE RECOVERY OF COSTS TO RESPOND TO AND ABATE NUISANCE ACTIVITIES.

WHEREAS, certain properties in the City have a history of nuisance activities;

WHEREAS, it costs the City money to respond to and abate nuisance activities; and

WHEREAS, Council desires to enact legislation to provide for the recovery of the cost of responding to and abating nuisance activities with respect to properties that have a history of nuisance activities;

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

Section No. 1: That there is hereby enacted Chapter 662 of the Codified Ordinances of the City of Avon Lake to read as follows:

**CHAPTER 662**  
**Nuisance Properties**

**662.01 DEFINITION OF NUISANCE PROPERTY.**

The following activities occurring either on residential or commercial property, or within one thousand (1,000) feet of the property line of residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, invitee or the person or entity in charge of such residential or commercial property (including individual apartment and condominium units) are hereby declared to be public nuisances and are hereinafter referred to as "Nuisance Activities" and individually as a "Nuisance Activity":

- (a) Misdemeanor Nuisance Activity: Any conduct, activity, violation or offense that is a misdemeanor under either the Codified Ordinances or the Ohio Revised Code.
- (b) Felony Nuisance Activity: Any conduct, activity, violation or offense that is a felony under the Ohio Revised Code.

For purposes of this chapter, the occurrence of a Nuisance Activity means either a citation has been issued, or an arrest has been made, or a conviction has been obtained, or a City Department or Administrator, including, but not limited to, Police, Fire, Zoning, Building or Public Works, has documented the activity in lieu of arrest or citation.

### **662.02 INITIATION OF NUISANCE DECLARATION PROCESS.**

The Safety Director or his or her designee, upon finding that two or more Misdemeanor Nuisance Activities or any one Felony Nuisance Activity have occurred within a twelve-month period, may cause a written notice (the "Warning Notice") to be served on the owner of the property. The Warning Notice shall state that if a third Misdemeanor Nuisance Activity or any additional Felony Nuisance Activity occurs within a twelve-month period of the first Nuisance Activity, such property may be declared a Nuisance Property. The Warning Notice shall describe the nature of the Nuisance Activities and shall further state that the City may assess the costs of responding to and/or abating a Nuisance Activity on a property declared a Nuisance Property on the Nuisance Property. The Warning Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

### **662.03 NUISANCE DECLARATION.**

If a third Misdemeanor Nuisance Activity or an additional Felony Nuisance Activity occurs after service of a Warning Notice and within twelve months after the first Nuisance Activity described in the Warning Notice, then the Safety Director or his or her designee may declare the property to be a "Nuisance Property" under this chapter by serving notice of such declaration (the "Declaration Notice") to the owner of the Nuisance Property. Once a property has been declared a Nuisance Property, the cost of responding to and/or abating any additional Nuisance Activity may be assessed on the Nuisance Property. The costs shall be calculated as set forth in Section 662.05. The City shall provide notice to the owner of the Nuisance Property to pay the costs of response or abatement at least thirty (30) days before such costs are certified to the County Auditor for assessment against the Nuisance Property, and such notice shall contain a description of the Nuisance Activity that is the basis for the notice of intent to assess the Nuisance Property, and the costs to respond and/or abate. If the costs are not paid within thirty (30) days of the mailing of the notice, such amount may be certified to the County Auditor for collection as other taxes and assessments are collected, or the City may seek recovery of such costs by civil action. Notice shall be served pursuant to the Ohio Rules of Civil Procedure.

### **662.04 APPEAL.**

The owner of a Nuisance Property who receives a Declaration Notice may appeal such notice by submitting to the Safety Director within thirty (30) days of the date of the Declaration Notice a written request that the Declaration Notice be rescinded. The Safety Director or his designee shall deny the request to rescind if he determines that a preponderance of the evidence shows that each Nuisance Activity stated in the Declaration Notice has occurred, and that the declaration of the property as a Nuisance Property is justified. If a Nuisance Activity has been evidenced by a criminal conviction, then it shall be per se proof that the Nuisance Activity has occurred.

The declaration of the property as a Nuisance Property shall not be justified if the owner demonstrates by a preponderance of evidence that:

- (a) He or she was not the owner at the time of any Nuisance Activity that is a basis of the Declaration Notice; or
- (b) He or she had knowledge of the Nuisance Activity, but has promptly and vigorously taken all actions necessary to abate each Nuisance Activity including, without limitation, compliance with the requirements of Ohio R.C. 5321.04(A)(9) and 5321.17(C); or
- (c) He or she had no knowledge of the Nuisance Activity and could not with reasonable care and diligence, have known of the Nuisance Activity; and upon receipt of the notice of the Declaration Notice, he or she promptly took all actions necessary to abate the nuisance including without limitation, compliance with the requirements of Ohio R.C. 5321.04(A)(9) and 5321.17(C).

The failure of the Safety Director or his or her designee to rescind the Declaration Notice or deny the request to rescind within twenty (20) days after receipt of the request to rescind shall constitute a denial of the request to rescind the Declaration Notice. Any such appeal shall not stay any action by the City to abate any Nuisance Activity.

**662.05 CALCULATION OF COSTS.**

Costs of response and abatement shall be the actual cost based upon expenses and the hourly wage of any personnel involved in the response to or abatement of the Nuisance Activity.

**662.06 OTHER REMEDIES.**

The declaration of a Nuisance Property, an order to abate a nuisance, or the assessment of costs by the City on a Nuisance Property, does not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances. The remedies provided in this chapter are not in limitation of any other remedies the City may have.

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 and after the earliest period allowed by law.

1<sup>st</sup> reading: 3/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. Bucci

TEMP NO: 10479

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

AN ORDINANCE FIXING A PAY RANGE FOR  
AVON LAKE REGIONAL WATER INSPECTORS,  
AND DECLARING AN EMERGENCY.

WHEREAS, the Avon Lake Board of Municipal Utilities approved maximum pay for the Avon Lake Regional Water Inspectors, and

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

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

Section No. 1: That the following pay range is hereby fixed as follows:

	<u>Pay Range</u>
AVON LAKE REGIONAL WATER INSPECTOR	\$16.00-\$26.00 per hour

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 fixing a pay range for the Avon Lake Regional Water Inspectors to be in compliance with the provisions of 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.

1<sup>st</sup> reading: 3/09/15  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

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

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

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

BY: Mr. Kos

TEMP NO: 10480

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

AN ORDINANCE ALLOWING WINE TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY FESTIVAL TO BE HELD AT VETERANS MEMORIAL PARK ON JUNE 20, 2015, AND DECLARING AN EMERGENCY.

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

WHEREAS, City Council has determined that it would benefit the City to allow Avon Lake Waterfront Corporation to hold a one-day wine festival at Veterans Memorial Park on June 20, 2015, and

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

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

Section No. 1: That, notwithstanding the prohibition of subsection 1070.02(1) of Avon Lake's Codified Ordinances, Avon Lake Waterfront Corporation shall have the right to conduct a wine festival at Veterans Memorial Park on June 20, 2015.

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

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

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

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

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

1<sup>st</sup> reading: 3/09/15

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

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

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

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

BY: Mr. Bucci

TEMP NO: 10482

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

AN ORDINANCE ESTABLISHING HOLIDAY PAY FOR THE POSITIONS OF PART-TIME POLICE OFFICERS AND PART-TIME DISPATCHERS IN THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Police Chief and the Human Resources Committee of Council that holiday pay be set for the positions of part-time Police Officers and part-time Dispatchers in the Avon Lake Police Department, and

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

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

Section No. 1: That part-time Police Officers and part-time Dispatchers in the Avon Lake Police Department shall be compensated at a pay rate of one and one-half times their basic hourly rate when working on the following holidays:

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Labor Day	

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 properly compensate Police Department personnel. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

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

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

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

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

BY: Mr. Bucci

TEMP NO: 10483

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

AN ORDINANCE FIXING A PAY RANGE FOR  
DIAL-A-BUS VAN DRIVERS IN THE PUBLIC WORKS  
DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Public Works Director and the Human Resources Committee have recommended a pay range for Dial-a-Bus Van Drivers in the Public Works Department, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put 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 pay range is hereby fixed as follows:

	<u>Pay Range</u>
Dial-a-Bus Van Driver	\$14.00-\$16.00 per hour

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 fixing a pay range for the position of Dial-a-Bus Van Driver to attract competent drivers in order to continue this important service to the residents of Avon Lake, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

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

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

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

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

BY: Mr. James

TEMP NO: 10484

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

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO SIGN A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY.

WHEREAS, a political subdivision which desires to participate in the purchase of sodium chloride (rock salt) for the 2015-2016 winter season must file a Participation Agreement with the Ohio Department of Transportation, and

WHEREAS, said Participation Agreement is the resolution of the legislative authority authorizing participation in this contract and agreeing to be bound by the invitation's terms and conditions, now therefore;

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

Section No. 1: That the Council of the City of Avon Lake hereby authorizes the Mayor, on behalf of the City of Avon Lake, to sign the 2015-2016 Winter Season Participation Agreement with the Ohio Department of Transportation.

Section No. 2: That the Public Works Director is hereby directed to forward a copy of this Resolution, along with the executed Participation Agreement, to the Ohio Department of Transportation, Office of Contracts, Purchasing Services.

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

Section No. 4: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity of executing a Participation Agreement with the Ohio Department of Transportation for the procurement of sodium chloride for the 2015-2016 winter season by the date required by the Ohio Department of Transportation in order to obtain road salt at the best price and further to ensure safe driving conditions for vehicular traffic in Avon Lake, thus for the health, safety and

welfare of the public. 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: Mrs. Fenderbosch

TEMP NO: 10485

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

AN ORDINANCE APPROVING THE IMPROVEMENT PLAN  
FOR PICCOLO PLACE PLANNED UNIT DEVELOPMENT NO. 3,  
AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of March 3,  
2015, approved the Improvement Plan for Piccolo Place Planned  
Unit Development No. 3, now therefore;

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

Section No. 1: That the Improvement Plan for Piccolo Place  
Planned Unit Development No. 3 on Mitchell Court on the south  
side of Walker Road west of the Safety Center, submitted to and  
approved by Planning Commission as required by the Planning and  
Zoning Code, and referred to this Council, be and it is hereby  
approved.

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

Section No. 3: That this Ordinance is hereby declared to be  
an emergency measure in order for the project to begin as soon as  
possible in order to keep disruption to the existing neighbors  
confined to a shorter timeline, thus for the public 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: Mrs. Fenderbosch

TEMP NO: 10486

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

AN ORDINANCE APPROVING THE IMPROVEMENT PLAN  
FOR AVON CENTER ESTATES, NO. 2, AND DECLARING  
AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of March 3,  
2015, approved the Improvement Plan for Avon Center Estates, No.  
2, now therefore;

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

Section No. 1: That the Improvement Plan for Avon Center  
Estates, No. 2, to install the road and sewers on Woodstock to  
connect Legacy Subdivision No. 8 to Belmont and Wildberry  
subdivision, submitted to and approved by Planning Commission as  
required by the Planning and Zoning Code, and referred to this  
Council, be and it is hereby approved.

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

Section No. 3: That this Ordinance is hereby declared to be  
an emergency measure in order for the project to begin as soon as  
possible to achieve connectivity between subdivisions to provide  
quick access for the safety forces, 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: Mrs. Fenderbosch

TEMP NO: 10487

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

AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR A FAMILY CENTER ADDITION AT ST. JOSEPH CHURCH, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of March 3, 2015, recommended the approval of a Conditional Use Site Plan, to construct a family center addition to the existing school/church site. The addition will be to the west of the school between Lake Road and Electric Boulevard, now therefore;

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

Section No. 1: That after approval by Planning Commission and review by this Council, Council hereby confirms the recommendation of approval by Planning Commission of a Conditional Use Site Plan to construct a family center addition to the existing school/church site. The addition will be to the west of the school between Lake Road and Electric Boulevard.

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

Section No. 3: That this Ordinance is hereby declared an emergency measure, the emergency being the necessity of having the plans approved in time for the dedication ceremony and further to begin the project as soon as possible to provide a gathering place for parishioners and community members, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

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

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

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

BY: Mrs. Fenderbosch

TEMP NO: 10488

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

AN ORDINANCE DESIGNATING THE DUNNING HOME LOCATED AT 240 JAYCOX ROAD AS A HISTORIC LANDMARK.

WHEREAS, the Avon Lake Planning Commission has at its meeting of March 3, 2015 recommended to Council that the Dunning Home located at 240 Jaycox Road, currently owned by Tom and Glendalee Burns, be granted Historic Landmark Designation, and

WHEREAS, the request for Historic Landmark Designation for the Dunning Home located at 240 Jaycox Road has been reviewed by the Avon Lake Historical Preservation Commission according to Planning & Zoning Code Chapter 1268, and

WHEREAS, this property was part of a 150 acre land grant deeded in 1843 which ran from Walker Road to the northern point at 240 Jaycox Road, and

WHEREAS, according to tax records, there has been a house on this property since 1851, and

WHEREAS, the Dunning Home has historical landmark registration from the Lorain County Historical Society and the Ohio Historical Society, 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 Dunning Home located at 240 Jaycox 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.

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

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

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

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

BY: Mr. Meiners

TEMP NO: 10489

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

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

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

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

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

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

Section No. 3: That the necessary expenses for said representation be paid upon approval voucher submitted therefore, in an amount not to exceed \$30,000.00.

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

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

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

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

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

BY: Mr. Bucci

TEMP NO: 10490

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

AN ORDINANCE CONFIRMING THE APPOINTMENT OF  
RONALD HOERIG AS LABORER IN THE PUBLIC WORKS  
DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Public Works Director and Human Resources Committee of Council that Ronald Hoerig be appointed to the position of Laborer in the Public Works Department, and

WHEREAS, Council has considered this recommendation and 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 appointment of Ronald Hoerig to the position of Laborer in the Public Works Department, effective March 30, 2015, be and he is hereby approved and confirmed, subject to all provisions of Chapter 258 of the Codified Ordinances of the City of Avon Lake.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Laborer in the Public Works Department shall be those set forth for such position in Ordinance No. 29-2012.

Section No. 3: That with Council's present knowledge of Mr. Hoerig's experience and ability, it has and does hereby fix the Step 1 rate of \$21.98 per hour, payable bi-weekly as determined by the Director of Finance.

Section No. 4: That during his probationary period, Mr. Hoerig shall be entitled to receive all benefits provided by the Collective Bargaining Agreement with the City of Avon Lake.

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 necessary for the preservation of the public

peace, health, and safety of the City of Avon Lake, and further, for providing the Public Works Department with adequate personnel for the efficient operation of the Department. 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. Bucci

TEMP NO: 10491

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

AN ORDINANCE CONFIRMING THE APPOINTMENT OF  
PATRICK STOKES AS LABORER IN THE PUBLIC WORKS  
DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Public Works Director and Human Resources Committee of Council that Patrick Stokes be appointed to the position of Laborer in the Public Works Department, and

WHEREAS, Council has considered this recommendation and 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 appointment of Patrick Stokes to the position of Laborer in the Public Works Department, effective March 30, 2015, be and he is hereby approved and confirmed, subject to all provisions of Chapter 258 of the Codified Ordinances of the City of Avon Lake.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Laborer in the Public Works Department shall be those set forth for such position in Ordinance No. 29-2012.

Section No. 3: That with Council's present knowledge of Mr. Stokes's experience and ability, it has and does hereby fix the Step 1 rate of \$21.98 per hour, payable bi-weekly as determined by the Director of Finance.

Section No. 4: That during his probationary period, Mr. Stokes shall be entitled to receive all benefits provided by the Collective Bargaining Agreement with the City of Avon Lake.

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 necessary for the preservation of the public

peace, health, and safety of the City of Avon Lake, and further, for providing the Public Works Department with adequate personnel for the efficient operation of the Department. 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

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (December 31, 2012) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law;

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

Section No. 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
43-2014	4-14-14	208.01, 220.02, 220.03, 220.05, 220.11, 244.01, 244.03, 258.04, 260.02, 260.04, 260.05, 260.075, 260.10, 260.16, 274.02, 278.05, 297.02, 412.07, 668.01, 1010.02, 1010.03, 1010.06, 1010.11, 1018.02, 1022.03, 1058.02, 1058.05, 1058.06, 1058.08, 1058.12, 1060.02, 1060.06, 1061.02, 1061.07, 1061.13-1061.15, 1065.02, 1065.05, 1065.07, 1065.08, 1065.11, 1070.03, 1070.05, 1090.04-1090.06, 1090.09-1090.11, 1096.01, 1216.05, 1222.13-1222.15, 1240.06, 1240.11, 1430.01, 1442.01, 1442.05, 1442.06, 1490.03
79-2014	7-9-14	208.01
104-2014	7-14-14	618.12
105-2014	8-25-14	1212.03, 1240.06, 1242.02, 1250.04
114-2014	9-8-14	440.01, 1014.04, 1065.05, 1090.09
133-2014	10-27-14	274.02

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
147-2014	11-24-14	260.08
153-2014	12-8-14	1268.03
154-2014	12-8-14	1268.06

Section No. 2: That the following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

436.071, 436.074, 438.18, 606.12, 624.01, 636.04, 636.045, 636.05, 636.20, 642.01, 642.02, 642.19, 642.24, 666.08, 666.21, 698.02

Section No. 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2014.

Section No. 4: That pursuant to Ohio R.C. 731.23 and 731.25 and Section 222.01 of the Codified Ordinances, the Clerk of Council shall post a notice of the enactment of this ordinance, containing the title of this ordinance and a summary of the new matters covered by it, which summary is attached to this ordinance as Exhibit A, for a period of not less than fifteen days in the five public places as required by law.

Section No. 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety within the City of Avon Lake, the emergency arising because of the need to have an up-to-date codification of the legislation of the City, consistent with the City Charter and with State law, with which to administer the affairs of the City, enforce law and order and avoid practical and legal entanglements. Therefore, this ordinance, and the 2015 Replacement Pages for the Codified Ordinances hereby approved, adopted and enacted, shall take effect immediately upon its passage and approval by the Mayor.

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

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

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

\_\_\_\_\_  
Approved

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

\_\_\_\_\_  
Mayor

EXHIBIT A

SUMMARY OF NEW MATTER  
CONTAINED IN THE 2014 REPLACEMENT PAGES  
FOR THE CODIFIED ORDINANCES OF AVON LAKE, OHIO

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New matter in the Codified Ordinances of Avon Lake, Ohio, as contained in the 2014 Replacement Pages therefor, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
436.071	Driving under suspension or in violation of license restriction.
436.074	Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.
438.18	Focus and aim of headlights.
606.12	Failure to report a crime or death.
624.01	Definitions relating to drugs.
636.04	Aggravated menacing.
636.045	Menacing by stalking.
636.05	Menacing.
636.20	Illegal distribution of cigarettes, other tobacco products, or alternative nicotine products; transaction scans.
642.01	Definitions relating to property offenses.
642.02	Theft.
642.19	Securing writings by deception.
642.24	Determining property value in theft offense.
666.08	Soliciting.
666.21	Unlawful advertising of massage.
698.02	Penalties for misdemeanor.

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

AN ORDINANCE AUTHORIZING ENTERING INTO A  
WATER SUPPLY REVOLVING LOAN ACCOUNT  
AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake through its Board of Municipal Utilities desires to upgrade its water system, and

WHEREAS, the City of Avon Lake through its Board of Municipal Utilities intends to apply to the Water Supply Revolving Loan Account (WSRLA) for the design and construction of the facilities, and

WHEREAS, the Ohio Water Supply Revolving Loan Account requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source, now therefore;

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

Section No. 1: That the Mayor and appropriate City staff members are authorized to sign all documents related to a WSRLA loan authorized by the Board of Municipal Utilities for design and construction of water supply improvements.

Section No. 2: That the Board of Municipal Utilities has designated water-related revenues as a source of repayment.

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

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of filing documents in a timely manner to secure funds to upgrade the Avon Lake Regional Water system, 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.

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

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

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

BY: Mr. Meiners

TEMP NO: 10494

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

AN ORDINANCE AUTHORIZING ENTERING INTO A  
WATER POLLUTION CONTROL LOAN FUND AGREEMENT,  
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake through its Board of  
Municipal Utilities desires to upgrade its wastewater facilities,  
and

WHEREAS, the City of Avon Lake through its Board of  
Municipal Utilities intends to apply to the Water Pollution  
Control Loan Fund (WPCLF) for the design and construction of the  
facilities, and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires  
the government authority to pass legislation for application of a  
loan and the execution of an agreement as well as designating a  
dedicated repayment source, now therefore;

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

Section No. 1: That the Mayor and appropriate City staff  
members are authorized to sign all documents related a to WPCLF  
loan authorized by the Board of Municipal Utilities for design  
and construction of wastewater improvements.

Section No. 2: That the Board of Municipal Utilities has  
designated wastewater-related revenues as a source of repayment.

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

Section No. 4: That this Ordinance is hereby declared to be  
an emergency measure, the emergency being the necessity of filing  
documents in a timely manner to secure funding to upgrade the  
Avon Lake Regional Water wastewater system, 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.

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

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

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