

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD OCTOBER 14, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on October 14, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council Members Dan Bucci, David Kos, Larry Meiners, Marty O'Donnell; Mayor Zilka; Law Director Abe Lieberman; Public Works Director Joseph Reitz; and Assistant Clerk of Council Valerie Rosmarin.

Mrs. Fenderbosch and Mr. Shondel were excused from attendance.

Mr. James arrived at 7:49 P.M.

APPROVAL OF MINUTES

The minutes of the September 22, 2014 regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

The Mayor read a press release issued by the Police Department. Four detached garages were illegally entered on Kossuth Drive and cars were rummaged. A vehicle was stolen on Marbrook Lane. Residents are instructed to report any suspicious or unusual activities to the Avon Lake Police Department. Residents are reminded not to leave valuables inside their vehicles and to keep their property locked and secured at all times.

Shred Day was held on October 11th. Unfortunately, Shredding Network could not provide onsite shredding since all their shredding trucks were out of service. The Mayor was informed late Friday, October 10th. A decision was made to continue with Shred Day. Shredding Network provided a vault truck to collect paper which was shredded at their facility. Residents were informed of the situation when they arrived for the event. Lorain County will hold a Shred Day on October 18th from 9 a.m. – noon at 540 South Abbe Road, Elyria. The next Shred Day in Avon Lake will be in April.

Finance Director Presley and the Mayor will attend a Tax Board of Revision meeting on Thursday, October 16th at 9 a.m. in Elyria.

NRG is appealing its real estate valuation and is requesting a reduction from \$54 million to \$9 million. Lorain County Auditor Craig Snodgrass hired a law firm to

defend the Avon Lake Schools and Avon Lake Public Library at the hearing. A decision will be released in November.

Ohio Tax Commission reduced the public utility personal property tax valuation for NRG to approximately \$14 million from \$16.3 million.

Small Business Saturday will be held on November 29th. This event is to encourage residents to consider the shops and restaurants in Avon Lake.

Three employees, Jeff Moore, Tom Carleton, and Dave Gunsalus, returning from a business meeting in Ashland offered assistance to a victim in an automobile accident. They were the first on the scene, called 911, and waited with the victim until medical attention arrived.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for October 20th. The next regular Council meeting is scheduled for October 27th.

PUBLIC WORKS DEPARTMENT REPORT

The Public Works Department weekly update was distributed.

Branch and brown bag pick up will end November 1st.

Residents are reminded that tree service vendors are required to be registered in the City. A list of registered vendors is available in the Public Works Department.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

FINANCE COMMITTEE REPORT

The Finance Committee met on October 14, 2014 and discussed the 2014 budget and a new server for the City.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported that the Human Resources Committee met on October 6th and discussed salary increases for part-time employees, a job description for foreman in the Public Works Department, and potential consolidation in the Recreation Department.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported that the next Public Service Committee meeting will be October 27, 2014 at 6:00 p.m. in the Public Works Conference Room.

SAFETY COMMITTEE REPORT

Mr. Kos reported that the next Safety Committee meeting will be October 22, 2014 at 6:15 p.m. in the Council Chamber.

October is National Fire Prevention month and residents are reminded to change the battery in smoke and carbon monoxide detectors.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Bucci reported that the Economic Development Committee met on October 13, 2014 and discussed the following items: the plans for the Community Improvement Corporation (CIC) and the request for qualifications for consulting services related to the West End and NRG.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of September 24, 2014 Zoning Board of Appeals meeting.

PARKS & RECREATION COMMISSION REPORT

Mr. James reported that the next meeting of the Parks & Recreation Commission is scheduled for October 22, 2014 at 7 p.m. at the Lake House.

MOTIONS

Mr. Bucci moved to add a motion to the agenda in relation to a Workers' Compensation case.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Bucci moved to add a motion to the agenda in relation to the request for qualifications for consulting services in NRG's plant conversion to natural gas.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Bucci moved to rescind the authorization of the Mayor to enter into an agreement with David Koch for legal services relative to a Workers' Compensation case for an amount not to exceed \$15,000. Mr. Koch is not available to provide legal services on behalf of the City.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Kos moved to accept the resignation of Rev. Paul Peters from the Avon Lake Historical Preservation Commission effective October 6, 2014. Due to personal reasons, Rev. Peters resigned from the Commission.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Bucci moved to accept the resignation of Lynda Gienke, Finance Secretary, effective November 30, 2014. Ms. Gienke will retire after 13 years of service.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Kos moved to abstain from voting on the motion authorizing the Mayor to enter into an agreement with Michael Bertsch of Nicola, Gudbrandson & Cooper LLC for legal services relative to a Workers' Compensation case due to a conflict of interest. Mr. Kos works for the Ohio Attorney General's office and his duties involve Workers' Compensation cases.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Bucci moved to authorize the Mayor to enter into an agreement with Michael Bertsch of Nicola, Gudbrandson & Cooper LLC for legal services relative to a Workers' Compensation case filed by Steven Peter for an amount not to exceed \$15,000. Legal representation is needed on behalf of the City in a Workers' Compensation suit.

Yes: Bucci, James, Meiners, O'Donnell

Abstention: Kos

No: None
Absent: Fenderbosch, Shondel
Motion carried.

Mr. Bucci moved to direct the Mayor to publish a request for qualifications for consulting services related to NRG's plant conversion to natural gas in the form approved by the Contract Administrator and Law Director.

Yes: Bucci, James, Kos, Meiners, O'Donnell
No: None
Absent: Fenderbosch, Shondel
Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #10378, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10378. The property owner at 33260 Lake Road applied for a submerged land lease to construct a breakwall and pier in Lake Erie. A Resolution of No Interest from the City is required by the Ohio Department of Natural Resources. The request for the submerged land lease went through departmental review and there were no objections to the request.

Yes: Bucci, James, Kos, Meiners, O'Donnell
No: None
Absent: Fenderbosch, Shondel
Motion carried.

Ordinance No. 120-2014 adopted.

Second Readings:

Temporary Legislation #10387, AN ORDINANCE ADOPTING A REVISED JOB DESCRIPTION FOR THE POSITION OF FIRE CHIEF IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 130-2011, AND DECLARING AN EMERGENCY, was read by title only.

This revised job description is the first step in the reorganization of the Fire Department.

Temporary Legislation #10388, AN ORDINANCE ESTABLISHING THE POSITION OF ASSISTANT FIRE CHIEF IN THE FIRE DEPARTMENT AND ADOPTING A JOB

DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will create the position of Assistant Fire Chief which will provide the Fire Chief with a level of support.

Temporary Legislation #10389, AN ORDINANCE ESTABLISHING THE POSITION OF CAPTAIN IN THE FIRE DEPARTMENT AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish the position of Captain in the Fire Department. The position of Captain will be filled by the current Lieutenants in the Fire Department.

Temporary Legislation #10390, AN ORDINANCE ADOPTING A REVISED JOB DESCRIPTION FOR THE POSITION OF LIEUTENANT IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 131-2011, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will revise the job description for Lieutenant in the Fire Department.

Temporary Legislation #10391, AN ORDINANCE SETTING THE SALARY FOR THE POSITION OF ASSISTANT FIRE CHIEF, AND DECLARING EMERGENCY, was read by title only.

This legislation will set the salary of the Assistant Fire Chief.

Temporary Legislation #10392, AN ORDINANCE ESTABLISHING THE POSITION OF PUBLIC WORKS DIRECTOR AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 141-2013, AND DECLARING AN EMERGENCY, was read by title only.

Due to the consolidation of the Service and Engineering Departments into the Public Works Department, the job description for Director was revised.

Temporary Legislation #10393, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JOSEPH REITZ TO THE POSITION OF PUBLIC WORKS DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will appoint Mr. Reitz to the position of Public Works Director.

Temporary Legislation #10394, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF DIRECTOR OF FINANCE,

ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 80-2008, was read by title only.

This legislation will revise the job description of Director of Finance to include the additional responsibility as Contract Administrator.

Temporary Legislation #10395, AN ORDINANCE APPROVING WAGE INCREASES FOR FULL-TIME NON-BARGAINING UNIT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

After labor negotiations, union employees received a two percent wage increase. This legislation will provide that same wage increase for full-time non-bargaining personnel retroactive to July 1, 2014.

Temporary Legislation #10397, AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPANE GAS, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize a contract with AmeriGas from Grafton, Ohio to provide a propane gas temporary fueling station, equipment, and supplies. The price of the propane gas will be posted at Mont Belvieu as published in the Wall Street Journal plus a \$1.35 per gallon charge.

Temporary Legislation #10398, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 274.02, ENTITLED MEMBERSHIP; TERMS OF OFFICE; COMPENSATION, was read by title only.

This legislation will modify the membership of the Environmental Affairs Advisory Board to allow up to 6 members of industry for a combined total of 14 industry and citizen members.

First Readings:

Temporary Legislation #10400, AN ORDINANCE CHANGING THE RANK OF CERTAIN MEMBERS OF THE AVON LAKE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

This legislation is part of the Fire Department reorganization and will change the rank of the current lieutenants to the position of captain.

Temporary Legislation #10401, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1268.03(a), was read by title only.

This legislation will change the membership of the Avon Lake Historic Preservation Commission from seven members to five members and changes the Council appointments from four to three and the Mayoral appointments from three to two.

Temporary Legislation #10402, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1268.06(d), was read by title only.

This legislation will waive the application fee for a historic landmark or district designation.

Temporary Legislation #10403, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for suspension of the rule requiring three readings.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10403. The Finance Director determined that certain transfers are needed.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Ordinance No. 121-2014 adopted.

Temporary Legislation #10404, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

Mr. Meiners moved for suspension of the rule requiring three readings.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10404. This Resolution approves the amounts and rates relative to ballot Issue #12 and #13 for the November election.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Ordinance No. 122-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Trail of the Haunted Tales will be on Saturday, October 18th, from 6 p.m. – 9 p.m. at the Kopf Reservation.

PUBLIC INPUT

Jan Van Wagner, 118 Hermann Drive, Avon Lake, reported on the Art Beautification Program and the artwork on display in City buildings.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss pending litigation.

Yes: Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch, Shondel

Motion carried.

Adjournment: 8:25 P.M.

RECONVENING OF COUNCIL MEETING

Council reconvened in open session at 8:59 P.M.

Present: Council Members Dan Bucci, Rob James, David Kos, Larry Meiners, Marty O'Donnell; Mayor Zilka; Law Director Abe Lieberman; Public Works Director Joseph Reitz.

Mr. Meiners moved for adjournment.

Adjournment: 9:00 P.M.

Approved: _____
Council President

Attest: _____
Acting Clerk of Council