

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD DECEMBER 22, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on December 22, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Present: Council Members Dan Bucci, Rob James, David Kos, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Director of Finance Steve Presley; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

Absent: Jennifer Fenderbosch

There being no objections, Mrs. Fenderbosch was excused from attendance at the meeting.

**CORRESPONDENCE**

Lisa Goodwin submitted her letter of resignation from the Parks & Recreation Department effective January 2, 2015.

Larry Grizzell submitted a letter announcing his retirement from the Fire Department effective January 3, 2015.

**CERTIFICATE OF ACHIEVEMENT**

A Certificate of Achievement for Excellence in Financial Reporting was awarded to the City of Avon Lake by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of government accounting and financial reporting. It represents a significant accomplishment by a government and its management. An Award of Financial Reporting Achievement has been awarded to the individuals, the department, or agency designated by the government as primarily responsible for preparing the award winning CAFR. Mayor Zilka presented the Certificate of Excellence to Steve Presley, Avon Lake Finance Director.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

Despite the headlines in the December 13<sup>th</sup> edition of the Plain Dealer, and the December 18<sup>th</sup> edition of the Sun Newspapers, the deer management legislation

passed earlier this year is not a failure. In a phone conversation with a reporter, Mayor Zilka stated that he was disappointed that more residents have not applied for deer damage control permits, but the legislation has only been in effect for seven months. The Mayor has been contacted by several residents informing him they plan to apply for permits in the upcoming months. Mayor Zilka stated that it is too early to draw any conclusions regarding the success or failure of the program.

The following ward meetings have been scheduled. All ward meetings will begin at 7:30 P.M.

Ward I – February 4 – Learwood Middle School  
Ward II – February 11 – Learwood Middle School  
Ward III – February 25 - Troy School  
Ward IV – March 4 – Troy School

Mayor Zilka will contact Lorain County Metro Parks to coordinate the City's planned deer count with Metro Park's count.

The City will end this fiscal year in much better financial shape than what was anticipated as the economy has slowly recovered. The Ford Plant retooling occurred three months later than expected. As a result, some of the anticipated reductions in income tax will occur in the year 2015. Ford should be up to 1400 workers sometime in the middle of 2015. The City hopes to find out the status of the NRG plant for the next decade, and there are Avon Lake businesses that have been looking into expanding their operations.

### **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for January 5<sup>th</sup> which will be followed by a Special Council Meeting. The next regular Council meeting is scheduled for January 12<sup>th</sup>.

### **PUBLIC WORKS DEPARTMENT REPORT**

The leaf pick-up program has concluded.

### **LAW DEPARTMENT REPORT**

The Law Department update was distributed.

### **FINANCE DIRECTOR'S REPORT**

The Finance Director received reimbursement from the County for their 40% share of the medical, dental, and vision coverage of the Judge and Clerk of Court retroactive to January 1, 2014. The total amount received was \$16,098.28.

RITA informed the City that 1,230 Avon Lake residents have not filed their City income tax returns. They will receive letters from RITA explaining their delinquency.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel reported on the December meeting of the Environmental Committee.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners announced that he must leave the Council meeting at 8:15 P.M. and asked to be excused.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported on the Public Service Committee meeting held December 22, 2015.

### **SAFETY COMMITTEE REPORT**

Mr. Kos reported on the December 17, 2014 Safety Committee meeting.

### **MOTIONS**

Mr. Bucci moved to delete from the agenda the motion permitting Mrs. Fenderbosch to abstain from voting on Temporary Legislation #10421. The motion was no longer needed since Mrs. Fenderbosch was not in attendance at the meeting.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to authorize Christopher Huerner to carry over up to five vacation days to be taken by January 31, 2015. Due to situations in the Fire Department, Chief Huerner was not able to use all his vacation days and asked permission to carry over up to five vacations days.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to authorize Joseph Reitz to carry over up to five vacation days to be taken by January 31, 2015. Due to responsibilities and personnel issues in the Public Works Department, Mr. Reitz was unable to take all his vacation days in 2014.

December 22, 2014 Council Meeting Minutes

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to accept amendments to the Civil Service Rules. The Civil Service Commission wrote amendments to the Civil Service Rules due to the restructuring of the Fire Department.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to accept the retirement of Lawrence Grizzell, Captain in the Fire Department, effective January 3, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to accept the resignation of Lisa Goodwin from the Recreation Department effective January 2, 2015. Mrs. Goodwin has accepted a position working in the field of substance abuse awareness.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to adopt the 2015 Council meeting calendar.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to reappoint Michael Sherban to Planning Commission effective January 1, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

## December 22, 2014 Council Meeting Minutes

Mr. Shondel moved to reappoint Weldon Rice to the Cable Television Advisory Commission effective January 1, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to confirm the Mayor's reappointment of Frank Hamister to the Zoning Board of Appeals effective January 1, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to confirm the Mayor's reappointment of Cheryl Lister to the Avon Lake Historic Preservation Commission effective January 1, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved to confirm the Mayor's reappointment of Russell Beck and Matt Collier to the Tree Commission effective January 1, 2015.

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

No: None

Absent: Fenderbosch

Motion carried.

## **LEGISLATION**

### Third Reading:

Temporary Legislation #10421, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH TOWNE CENTER APARTMENTS, LTD AND TOWNE CARE CENTER LLC WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10421. This tax abatement request is relative to the final phase of Towne Center to include construction of a 62 unit congregate care facility. There was an original abatement approved in 2008, but due to the economy that phase of the project was not realized and the

abatement agreement was never used. This abatement request is for a renewal of the 2008 agreement. The project is for a \$6.2 million investment creating 32 additional jobs and an annual payroll of \$760,000 per year.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 160-2014 adopted.**

Mr. James moved for general consent to be excused from the Council meeting due to a family emergency.

Mayor Zilka pointed out that there are ordinances on the agenda that require five votes to suspend the rule requiring three readings and if Mr. Meiners and Mr. James leave the meeting there will not be sufficient votes. A special meeting will have to be scheduled to pass the 2015 budget. Mr. Meiners announced earlier in the meeting that he had to be excused at 8:15.

Mr. James asked that the agenda be rearranged to first address the items that need to be adopted with suspension of the rule requiring three readings.

Temporary Legislation #10428, AN ORDINANCE PROVIDING FOR THE DESIGNATION OF FIRST MERIT BANK, LORAIN NATIONAL BANK, US BANK, FIFTH THIRD BANK, KEY BANK, HUNTINGTON NATIONAL BANK, AND FIRST FEDERAL OF LAKEWOOD AS PUBLIC DEPOSITORIES OF THE CITY AND AWARDDING THE DEPOSIT OF ACTIVE FUNDS FOR THE PERIOD COMMENCING JANUARY 1, 2014 AND ENDING JANUARY 31, 2020, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10428. The Finance Director has recommended these banks as the depositories for the City's funds.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 161-2014 adopted.**

Temporary Legislation #10432R, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2015, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10432R. This ordinance establishes the budget for the year 2015. It is reflective of the budget meetings held by Council.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 162-2015 adopted.**

Temporary Legislation #10433, AN ORDINANCE AUTHORIZING THE MAYOR TO NEGOTIATE AND ENTER INTO AN AGREEMENT TO VACATE A PORTION OF A STORM SEWER EASEMENT AT 33128 LAKE ROAD, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10433. The property at 33128 Lake Road is under contract and the buyer and seller have requested the City to vacate a portion of a utility easement. Joe Reitz, Public Works Director, indicated that if the 20 foot portion is vacated, the remaining 30 feet would be sufficient for repair to the sewer pipe.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 163-2014 adopted.**

Temporary Legislation #10439, AN ORDINANCE PROVIDING FOR THE RENEWAL OF THE CONTRACT WITH LORAIN COUNTY OFFICE ON AGING AND AUTHORIZING THE MAYOR TO ENTER INTO SAID CONTRACT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10439. This ordinance will authorize the Mayor to sign the contract as written with the Office on Aging.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 164-2014.**

Temporary Legislation #10440, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10440. The Finance Director determined certain adjustments to appropriations are necessary for the current expenses of the City.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 165-2014 adopted.**

Temporary Legislation #10441, AN ORDINANCE APPROVING A WAGE INCREASE FOR THE ASSISTANT FINANCE CLERK AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10441. This will authorize a salary increase to \$13.50 per hour and a 2% increase effective July 1, 2015 and July 1, 2016 for the position Assistant Finance Clerk.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 166-2014 adopted.**

Mr. Meiners and Mr. James were excused at 8:18 P.M.

Temporary Legislation #10434, AN ORDINANCE CONFIRMING THE APPOINTMENT OF LYNDA GIENKE TO THE POSITION OF SECRETARY TO THE MAYOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This confirms the appointment of Lynda Gienke to the position of Mayor's Secretary for the period of February 2, 2015 through December 31, 2015 which is the remainder of the Mayor's term of office.

Temporary Legislation #10435, AN ORDINANCE ESTABLISHING THE SALARIES OF THE MEMBERS OF THE BOARD OF MUNICIPAL UTILITIES OF THE CITY OF AVON LAKE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2016 AND THEREAFTER UNLESS MODIFIED BY ACTION OF COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL CHARTER, was read by title only.

The salaries of the Board of Municipal Utilities members will be adjusted to \$7,200 per year and to \$8,200 per year for the Chair of the Board. It has been many years since the salaries of the Board members have been adjusted and the Board members have taken on increased duties as the utility has expanded.

Temporary Legislation #10437, AN ORDINANCE CHANGING THE WAGE RATE OF CERTAIN COURT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

The Judge of the Municipal Court desires to grant wage increases to certain Court personnel.

Temporary Legislation #10436, AN ORDINANCE FIXING THE COMPENSATION FOR THE OFFICE OF MAYOR OF THE CITY OF AVON LAKE, AND REPEALING ANY AND ALL ORDINANCES INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY, was read by title only.

The Mayor's salary will be adjusted to \$98,000 per year from \$82,000 for the next term. The Mayor's salary has not been adjusted in many years. Council desires to attract highly qualified people to run for the office of Mayor.

Temporary Legislation #10438, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 260.16, ENTITLED USE OF CITY VEHICLES BY CITY EMPLOYEES, AND DECLARING AN EMERGENCY, was read by title only.

This is a companion ordinance to the ordinance adjusting the Mayor's salary. This amendment will eliminate the monthly car allowance for the Mayor. Currently the Mayor receives a salary of \$82,000 per year and a monthly car allowance of \$675.

#### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENT**

Mr. Kos announced that the 2014 Toys for Tots campaign was a tremendous success. He collected 25 boxes of toys between Avon and Avon Lake.

#### **EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22, Mr. Bucci moved to adjourn to Executive Session to discuss the discipline of a public employee and imminent litigation.

Yes: O'Donnell, Shondel, Bucci, Kos

No: None

Absent: Fenderbosch, James, Meiners

Motion carried.

Adjournment: 8:25 P.M.

#### **RECONVENING OF COUNCIL MEETING**

The open Council Meeting was reconvened at 9:08 P.M.

Present: Council Members Dan Bucci, David Kos, Marty O'Donnell, John Shondel; Mayor Zilka; Law Director Abe Lieberman.

Mr. O'Donnell moved for adjournment:

December 22, 2014 Council Meeting Minutes

Yes: O'Donnell, Shondel, Bucci, Kos

No: None

Absent: Fenderbosch, James, Meiners

Motion carried.

Adjournment: 9:08 P.M.

Approved: \_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Clerk of Council