

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD MARCH 24, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on March 24, 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 President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, Larry Meiners, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Service/Engineering Director Joseph Reitz; Finance Director Nancy Bryan; and Clerk of Council Barbara Dopp.

There being no objections, Mr. Kos was excused from attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the March 10, 2014 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

Trash containers for the new trash collection system will be delivered mid to late April, and not during the month of March as previously announced.

The second annual Business Expo will be held at the American Legion Post 211 on April 24, 2014 from 2:00 – 6:00 P.M. The event is open to the public.

Breakfast with the Easter Bunny will take place at Troy School on April 5<sup>th</sup>.

Mr. Reitz stated that the new trash containers will be delivered by the contractor which is supplying them, and not by Republic Services.

Yard waste collection begins with the first collection of April. Brown bags with yard waste will not be collected before that date. There is a 50 pound weight limit for the brown bags.

With the new trash contract, the City will no longer process unpaid trash bills. If a bill is unpaid, Republic will not pick up trash at that residence. Over the weekend over 300 unpaid bills were paid. Residents with questions regarding unpaid bills should call Republic at 1-800-433-1309.

Homeowners Associations with separate trash collection contracts will be permitted to continue with the contracts until they expire. After expiration, they will fall under the City's contract.

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

March 31<sup>st</sup> is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for April 7<sup>th</sup> and the next Council Meeting is scheduled for April 14<sup>th</sup>.

An Executive Session is listed on the agenda to discuss labor negotiations. Discussion of pending and imminent litigation will be added to the Executive Session agenda at the request of the Law Director.

Temporary Legislation #10311, approving a change order for the Lear Road/Walker Road Intersection Project will be added to the agenda as a result of the Public Service Committee meeting held prior to the Council meeting.

Mr. Shondel will add a motion to the agenda to appoint a member to the Environmental Affairs Advisory Board.

The "March Away Hunger" food drive continues until the end of March. Collection boxes are located throughout the City.

### **SERVICE/ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

Due to snow removal, overtime totals for the Service Department are over \$83,000 for this year; the amount budgeted for this year was \$60,000. Service Department overtime for last year was \$35,000.

Regarding the breakwall permitting at Veterans Memorial Park and North Point Drive, Mr. Reitz stated the he does not anticipate having to ask for additional funds for inspections at this point.

Regarding right-of-way encroachments at US 6 and SR 83, Mr. Reitz stated that preliminary information has been received from ODOT.

Since the asphalt plants are still closed, the road crews have been patching the larger holes with a temporary cold mix. Once the asphalt plants open, more permanent hot mix repairs can be done. The road crews are working hard with snow plowing and trying to keep up with repairing pot holes throughout the City.

### **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee met March 12, 2014. A wildlife investigative group has been formed as a subcommittee of the EAAB. The Al E. Gator mascot will be used as a spokesman for the "Don't Feed the Wildlife" campaign. Deer management legislation was also discussed.

### **PUBLIC SERVICE COMMITTEE REPORT**

The Public Service Committee met on March 24, 2014 and considered the following items: a presentation by the YMCA regarding potential management of the City pool; a fireworks contract; and a change order.

### **PUBLIC UTILITIES COMMITTEE REPORT**

The Public Utilities Committee met March 6, 2014 and discussed a promotion campaign for Issue 16, the gas aggregation ballot issue.

### **SAFETY COMMITTEE REPORT**

The Safety Committee met March 19, 2014 and considered the following items: purchase of vehicles for the Police and Fire Departments; the Animal Warden and the animal ordinances; a one-day liquor permit for a wine festival; disposal of items confiscated by the Police Department; and parking concerns at Weiss Field.

### **SEWER COMMITTEE REPORT**

The Sewer Committee will not meet in the month of April. The next meeting of the Sewer Committee is May 8, 2014.

### **MOTIONS**

Mr. Shondel moved to add a motion to the agenda appointing Christine Raymond to the Environmental Affairs Advisory Board to fill an existing vacancy.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to appoint Christine Raymond to the Environmental Affairs Advisory Board. Mr. Shondel reviewed Mrs. Raymond's resume. This appointment will fill a vacancy on the Board.

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

No: None

Absent: Kos

Motion carried.

## **LEGISLATION**

Mr. James moved to add Temporary Legislation #10311, approving a change order for the Lear Road/Walker Road Intersection Project, to the agenda. The Municipal Utilities requested the change order approval for extra work in order for the project to continue.

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

No: None

Absent: Kos

Motion carried.

### Third Reading:

Temporary Legislation #10294, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH NEW WORLD SYSTEMS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #10294. New World Systems will provide new accounting software for the Finance Department to replace the outdated system. The contract amount is \$178,580.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 35-2014 adopted.**

### Second Readings:

Temporary Legislation #10298, AN ORDINANCE AWARDED A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

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Mr. James moved for passage of Temporary Legislation #10298. Huffman Equipment Rental submitted the lowest and best bid in the amount of \$43,000. Sand dredging is performed annually at the boat launch to provide a safe boating season.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 36-2014 adopted.**

Temporary Legislation #10299, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 83 North Highland Avenue applied for a submerged land lease to construct a breakwall in Lake Erie. The request went through departmental review and there were no objections.

Temporary Legislation #10300, AN ORDINANCE APPROVING A SALARY ADJUSTMENT FOR DUANE STREATOR, POLICE CHIEF, AND DECLARING AN EMERGENCY, was read by title only.

The administration and Human Resources Committee recommended a salary adjustment for the new Police Chief to make it level with the salary of the former Police Chief. It has been customary that a new department head or chief be hired at the same rate as the outgoing department head or chief.

Temporary Legislation #10302R, AN ORDINANCE ESTABLISHING THE DEPARTMENT OF PUBLIC WORKS, was read by title only.

This ordinance will finalize amendments to the Codified Ordinances abolishing the Service and Engineering Departments and replacing them with a Public Works Department. The position of Public Works Director will be established replacing the position of Service/Engineering Director. The formation of the Public Works Department was recommended by the Public Service Committee to provide more efficiency in the City.

First Readings:

Temporary Legislation #10303, AN ORDINANCE APPROVING A REVISION TO THE GENERAL DEVELOPMENT PLAN FOR LEGACY POINTE PHASES 8 AND 9.

Planning Commission recommended the conditional use general development plan for Legacy Pointe Phases 8 and 9. A new entrance to the subdivision will be added on Avon Belden Road connecting to Woodstock, Ryeberry, and Belmont. The new phases encompass 19.44 acres of land and are part of the overall 286 acres of the

Legacy Subdivision. Mrs. Fenderbosch showed the expansion plans on the projected map. The applicant requested a modification to install sidewalks on only one side of the entry drive to Avon Belden Road. Departmental review did not support the request and therefore, the waiver was not granted. Sidewalks will be installed on both sides. A retention basin will be installed on the northeast edge close to Webber Road. The bulk of these phases will go into the golf course retention basins. Each lot will have access to at least one drain. Additional drainage will be available to the larger lots.

Temporary Legislation #10304, 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 21, 2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Bucci moved for passage of Temporary Legislation #10304. It is necessary to obtain a one-day liquor permit in order to hold the wine festival. The name of the festival has been changed to the Waterfront Wine Festival.

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

**Ordinance No. 37-2014 adopted.**

Temporary Legislation #10305, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH ADP, INC., AND DECLARING AN EMERGENCY, was read by title only.

ADP, Inc. will provide improved payroll software for the Finance Department to make the department run more efficiently.

Temporary Legislation #10306, 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 (ROAD SALT), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. James moved for passage of Temporary Legislation #10306. The participation agreement with the Ohio Department of Transportation allows the City to purchase road salt at a price advantage. The State is conducting a spring purchase to take advantage of lower prices during the spring/summer season to increase stocks ahead of the winter season.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 38-2014 adopted.**

Temporary Legislation #10307, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH GO2IT GROUP FOR INFORMATION TECHNOLOGY MANAGED SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10307. The current contract for IT managed services expires March 31, 2014. The new contract with Go2IT is in the amount of \$48,000. This quote was substantially lower than the quote of the current provider.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 39-2014 adopted.**

Temporary Legislation #10308, AN ORDINANCE PROVIDING FOR TRANSFERS, ADJUSTMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10308. The Finance Director determined certain financial adjustments are necessary for the immediate expenses of the City.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 40-2014 adopted.**

Temporary Legislation #10309, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2014 FORD ESCAPE FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Safety Committee recommended the purchase of a 2014 Ford Escape for the Police Department in the amount \$21,493. Kowalski Ford submitted the best and lowest quotation. The vehicle will be used by the Detective Bureau and does not have the equipment of the police interceptor cruisers. Also, it does not have the capability to be converted to propane fuel.

Temporary Legislation #10310, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2014 FORD ESCAPE FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Safety Committee recommended the purchase of a 2014 Ford Escape for the Fire Department in the amount of \$21,816.24. Kowalski Ford submitted the best and lowest quote. The red vehicle is slightly higher in price than the police Ford Escape due to certain accessories and the color.

Temporary Legislation #10311, AN ORDINANCE APPROVING A CHANGE ORDER FOR THE LEAR ROAD/WALKER ROAD INTERSECTION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. James moved for passage of Temporary Legislation #10311. The amount of the change order shall not exceed \$50,000. While making the connection for the new water line, the contractor discovered issues with the deteriorating existing pipe which threatens the stability of the project. Mr. Bucci stated that he is supporting this change order reluctantly only to avert any danger or inconvenience to the residents. He stated that he is frustrated that there is not more cooperation from the Municipal Utilities and that a representative did not come before Council or the Public Service Committee to explain the change order request.

Mrs. Fenderbosch stated that, as the Sewer Committee Chair, she was not contacted on Friday when the request was forwarded by the Municipal Utilities. When she became aware of the change order, she contacted Rick Eberle who explained the urgency. He informed Mrs. Fenderbosch that in hindsight, the pipe replacement should have been included in the original bid.

Mr. James agreed with Mr. Bucci's comments. He stated that, while the Municipal Utilities contacted the Mayor and Council President, it is important that the public has the opportunity to ask questions of their representatives including Mr. Danielson and the Board of Utilities.

Mr. Meiners supported Mr. Bucci's comments. He stated that, when the Municipal Utilities needs funding for projects, the City does everything to accommodate their requests. With something as important as the Lear Road/Walker Road project and a \$50,000 change order, somebody from Utilities should have addressed Council or the Public Service Committee. Explanations were left to the Service/Engineering Director.

Mayor Zilka stated that the funding for the \$50,000 change order will come from the Utilities Department water fund which is funded by rate payers, and not by City taxes. The City is acting as the fiscal agent. It came to Mr. Reitz because the major part of the project is the intersection portion, and the minor part of the project is the waterline.

Mr. James stated that he respectfully disagrees with Mayor Zilka's statement. Council has a fiduciary responsibility to the residents and it doesn't matter whether the money comes from a fund that exercises and operates water rate payer funds or taxes. At the end of the day, Council is ultimately responsible to the residents as to how all money is expended by the City of Avon Lake. Council signs off on an annual budget which includes Fund 702. Council needs to inspect, analyze, and make decisions on each request for taxpayer or rate payer money that comes before them.

Mayor Zilka stated that hearing responses of Council, it seems as this is a haphazard whim. He further stated that the City has a problem with the water pipe; the City could go out for bids and wait two or three weeks and stop the project at the inconvenience of the residents. The City has a reputable, responsible contractor that has been asked to give a quote. Based on the experience of Mr. Reitz and the

experience of the Utilities Department, it seems like a fair and responsible action under the circumstances. This needs to be done for the convenience of the residents. It is not money paid by taxpayers to the City; it is money coming from rate payers for water service. It was mentioned at the Public Service Committee meeting that the pipe could break in four or five years and it would have to be repaired. It would be silly to dig up the intersection and do the repair when the hole is already dug. It makes more sense to do it now. The Mayor stated that he is trying to solve problems between Utilities and Council.

Mr. O'Donnell stated the he received a call on Friday and talked to Mr. Danielson, Mr. James, and Mr. Meiners and processed the request as quickly as possible. It is the responsible action to take in order to get the project completed. There have been other issues in which the Utilities Department could have been more cooperative with Council when information was requested. In the case with this change order, Council acted with due diligence to move the project forward.

Mr. Reitz stated that he does not want the faulty waterline to damage the new road.

Mr. Shondel stated that no one likes bad news, but it is important for the residents for the project to move forward.

Mr. Meiners stated that he was on board with the change order from the beginning. He further stated this project is at one of the busiest intersections in the City and he is concerned that the Utilities Department did not attend the Public Service Committee meeting to explain the \$50,000 change order for such an important project. It should not have been Mr. Reitz's responsibility to explain the change order.

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

No: None

Absent: Kos

Motion carried.

**Ordinance 41-2014 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

March 30<sup>th</sup> is "Welcome Home Vietnam Veterans" day. Mr. Meiners supported a resolution honoring the day in 2011, the year it was established by Congress.

Mayor Zilka recognized the thirteen plus years Mr. Marquard served on the Board of Municipal Utilities.

## **PUBLIC INPUT**

Richard Schultz, 382 Lear Road, expressed his concern regarding a drive being installed at the Lear Road Shopping Center. Mr. Reitz explained that Planning

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Commission approved and recommended the new drive on Lear Road for the new Ace Hardware Store. Additional landscaping has not been considered.

Chris Quinlan, 73 Community Drive, asked about road repairs on Moorewood, Crestwood, and Vinewood. Mr. Reitz stated that repairs are related the sewer separation project. The concrete portions in the newer subdivisions are not part of the project. All other portions will be included in the project and will be repaved. The project will be done in phases and residents can get updates advising them of access to their properties.

**EXECUTIVE SESSION**

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

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

Adjournment: 8:55 P.M.

**RECONVENING OF OPEN COUNCIL MEETING**

The open Council meeting reconvened at 9:54 P.M.

Present: Council President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, Larry Meiners, John Shondel; Mayor Zilka; Law Director Abe Lieberman.

Mr. Meiners moved for adjournment.

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

Adjournment: 9:55 P.M.

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

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

