

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

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

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

Present: Council President Marty O'Donnell; Council Members Dan Bucci, Rob James, David Kos, 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, Mrs. Fenderbosch was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the March 24, 2014 Regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

The City of Avon Lake received the "Tree City" designation by the Arbor Day Foundation. Avon Lake met four mandatory requirements to be eligible for the award.

Congresswoman Kaptur selected Avon Lake as the location for a meeting with Jonathon Jarvis, National Parks Service Director, and regional park managers from Cuyahoga Valley National Park, Lorain County and Cuyahoga Metro Parks, and local mayors and city park directors. The meeting was held at the Lake House on April 11, 2014. Director Jarvis supervises 401 national parks that attracted almost 280 million visitors last year. He spoke about the importance of local recreation areas that communities maintain for their residents and their role with state and national efforts to bring nature to local citizens.

Trash containers for the new trash collection system will be delivered beginning April 15th by the manufacturer. Residents who wish to receive a different size container should call Republic Services at 800-433-1309. Bulk pick-up will take place the second week of each month.

Issue 16 will appear on the May ballot. If passed by the voters, the City will be authorized to join NOPEC for natural gas aggregation. Aggregation is a very cost effective opportunity for residents to achieve savings on their electric bills.

COUNCIL PRESIDENT'S REPORT

April 21st is Easter Monday and no Council meeting will be held. The next regular Council meeting will be held April 28th.

The Ohio Ethics Commission has extended the deadline to May 15th for elected officials to file their Financial Disclosure Statements.

SERVICE/ENGINEERING DEPARTMENT REPORT

Service taps are being conducted on the water line replacement as part of the Lear Road/Walker Road Intersection Project.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee meeting has been rescheduled to April 30, 2014 at 7:00 P.M. in the Council Conference Room. The Committee is conducting a "Don't Feed the Wildlife" campaign to educate the public on the reasons humans should not feed wildlife except for songbirds.

FINANCE COMMITTEE REPORT

The Finance Committee met April 14, 2014 and discussed financing for the Heider Ditch repair at Veterans Memorial Park.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee held a meeting on April 7, 2014 and discussed the following items: the purchase of utility beds for Service Department trucks; a resolution of no interest; repair of the retaining wall at Veterans Memorial Park; and the issuance and sale of notes for various projects.

The next Public Service Committee meeting is scheduled for April 28, 2014 at 6:00 P.M. in the Engineering Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported on the Issue 16 promotion campaign for natural gas aggregation which was discussed at the April 3, 2014 meeting of the Public Utilities Committee.

Time Warner sent letters to customers informing them that starting on or about May 6, 2014, Channels 14, 15, 16, 29, 70 as well as local, educational, and governmental access programming will be delivered in digital format only. Additionally, on or about May 28, 2014 Channels 2, 17, 20, and 23 will be delivered in digital format only. These channels will only be viewable with digital equipment. To view these channels that are not digitally connected, customers can request digital adapters and remote controls free of charge through September 30, 2015 at the Time Warner office at 1801 Elyria Avenue, Lorain, OH, or any other Time Warner office. Adapters can also be obtained by having a Time Warner service technician install the adapters at a charge of \$19.99, or by ordering them free of charge at twc.com/digitaladapter.

Residents who are considering landscaping should call 811 before digging to have the utility companies mark the location of buried lines and pipes.

ZONING BOARD OF APPEALS

Mayor Zilka reported on the March 26th meeting of the Zoning Board of Appeals.

MOTIONS

Mr. James moved to authorize the purchase of two utility beds for existing trucks in the Service Department. The beds will be purchased from Zoresco Equipment for a total amount of \$12,822.

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

Mr. Kos moved to authorize the Police Department to donate unclaimed bicycles to the Ohio City Bicycle Co-op. The bicycles have been confiscated or found throughout the City and remain unclaimed.

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

Mr. Kos moved to authorize the Police Department to dispose of unclaimed property. The Police Department has accumulated items that have been found or turned into the Police Department. The Police Chief requested authority to dispose of

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unclaimed property. The manner of disposal will be up to the discretion of the Police Chief.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to authorize the purchase of a Harley Davidson motorcycle in the amount of \$10,952. The Police Department has been leasing this vehicle for three years from Lake Erie Harley Davidson and has the opportunity to purchase it at a fair price.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Shondel moved to accept the resignation of Fran Fisher, Cable Access Manager, effective April 14, 2014.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved to accept the resignation of Mary Herrick from the Parks & Recreation Commission effective March 17, 2014.

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

No: None

Absent: Fenderbosch

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10299, 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 #10299. 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.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 42-2014 adopted.

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

Mr. James moved for passage of Temporary Legislation #10302R. This ordinance will finalize amendments to the Codified Ordinances abolishing the Service and Engineering Departments and combining them into a Public Works Department. The position of Public Works Director will be established replacing the position of Service/Engineering Director. Mr. Reitz's title will change to Public Works Director. The formation of the Public Works Department was recommended by the Public Service Committee to provide more efficiency in the City.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 43-2014 adopted.

Second Readings:

Temporary Legislation #10303R, AN ORDINANCE APPROVING A CONDITIONAL USE 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. 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.

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.

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

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

No: None

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Absent: Fenderbosch
Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10305. ADP will provide a new payroll system to generate more efficiencies in the Finance Department.

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

Ordinance No. 44-2014 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 #10312R, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,500,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS IN THE CITY BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, PAVING, CONSTRUCTING STORM SEWERS AND RELATED DRAINAGE FACILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance is for financing the City's portion of the Belmar Sewer Separation Project. The amount of the note might change because bids have come in lower than expected.

Temporary Legislation #10313, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$986,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING LEAR ROAD AND KREBS ROAD AND THE INTERSECTION THEREOF BY WIDENING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING TURN LANES, STORM SEWERS AND RELATED DRAINAGE FACILITIES AND INSTALLING SIGNAGE AND TRAFFIC AND RAILROAD SIGNALIZATION, AND DECLARING AN EMERGENCY, was read by title only.

This project will add a southbound left turn lane on Lear Road and a right turn lane on Krebs as well as new traffic signals and new railroad crossing signals. This project is necessary due to the increased traffic from the Lear/Nagel I-90 interchange. The project should be completed by the end of the year. The City received a State grant in the amount of \$396,000.

Temporary Legislation #10314, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING STORM SEWERS, CATCH BASINS AND RELATED DRAINAGE FACILITIES, AS PART OF THE "MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

This project is being installed in conjunction with the Municipal Utilities. The City's portion is in the amount of \$2.1 million. The project will take approximately two years to be completed.

Temporary Legislation #10315, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,000,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE SANITARY SEWER SYSTEM BY CONSTRUCTING AND RECONSTRUCTING SANITARY SEWERS AND RELATED SANITARY FACILITIES, WATER MAINS AND RELATED WATER SUPPLY FACILITIES, AND STORM SEWERS AND RELATED DRAINAGE FACILITIES TO PROVIDE FOR THE SEPARATION OF EXISTING STORM SEWERS FROM SANITARY SEWERS AND CONTROL AND LIMIT THE VOLUME OF STORM WATER ENTERING OR OTHERWISE AFFECTING THE SANITARY SEWER SYSTEM, AS PART OF THE "MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT", AND DECLARING AN EMERGENCY, was read by title only.

This ordinance approves the financing of the Municipal Utilities portion of the Moorewood Area Sewer Separation Project.

Temporary Legislation #10316, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,000,000 OF NOTES, IN THE ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE WATER SUPPLY SYSTEM BY CONSTRUCTING AND RECONSTRUCTING WATER MAINS AND RELATED WATER SUPPLY FACILITIES, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance will provide the funding for the reconstructing of water mains and related water supply facilities by the Municipal Utilities.

Temporary Legislation #10317, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$159,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING MOTOR VEHICLES FOR AND RELATED EQUIPMENT AND APPARATUS FOR USE BY THE CITY'S POLICE AND SERVICE DEPARTMENTS AND FOR OTHER CITY FUNCTIONS, AND DECLARING AN EMERGENCY, was read by title only.

The Mayor recommended the purchase of vehicles for the Service Department.

Temporary Legislation #10318, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$84,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, EQUIPPING AND OTHERWISE IMPROVING A NEW SALT STORAGE FACILITY, AND DECLARING AN EMERGENCY, was read by title only.

Temporary Legislation #10319, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$75,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE AND SALE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF RENOVATING, REMODELING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING CITY HALL TO PROVIDE FOR ENHANCED BUILDING SECURITY, AND DECLARING AN EMERGENCY, was read by title only.

A security system was installed at a cost of \$15,000. The administration scaled back the plan for enhanced City Hall security, and therefore may not need the additional funds. The original note may be paid off eliminating the need for this ordinance.

First Readings:

Temporary Legislation #10320, AN ORDINANCE AWARDED A CONTRACT FOR THE BELMAR ROAD REPAIR PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

Karvo Paving Company submitted the lowest and best bid in the amount of \$191,456.11.

Temporary Legislation #10321, AN ORDINANCE AUTHORIZING THE PURCHASE OF AN LED SIGN FOR CITY HALL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved for passage of Temporary Legislation #10321. Wagner Electric Sign Company submitted the lowest and best quote in the amount of \$18,955. The primary purpose of the sign is to provide information relative to the aquatic center and other City functions.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 45-2014 adopted.

Temporary Legislation #10322, AN ORDINANCE CONSENTING TO ODOT FOR BRIDGE INSPECTION SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance will authorize the Ohio Department of Transportation to inspect all bridges in the City of Avon Lake and determine the appropriate load and bearing limits.

Temporary Legislation #10323, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BEHNKE & ASSOCIATES, AND DECLARING AN EMERGENCY, was read by title only.

Behnke & Associates will provide design services for a multi-modal transportation path for an amount not to exceed \$80,000. The City was awarded a \$40,000 grant from NOACA for the project.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos and Congresswoman Kaptur presented a program on Lake Erie and the importance of connectivity which is available on peg central and ALCTV. They

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taped a second program on manufacturing in northeast Ohio that will begin airing on ALCTV in May.

Mr. Kos conducted a Junior Achievement program for Mrs. Edgerly's and Mrs. Kosar's first grade classes at Redwood School.

The second annual Business Expo will take place on April 24, 2014 from 2:00 – 6:00 P.M. at the American Legion Hall on Walker Road.

A vacant home on Beechwood Drive will be demolished on April 15, 2014. The demolition is being conducted through the Lorain County Land Bank. Other homes are scheduled for demolition.

EXECUTIVE SESSION

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

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

Adjournment: 8:40 P.M.

RECONVENING OF OPEN COUNCIL MEETING

The open Council meeting reconvened at 9:30 P.M.

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

Mr. Meiners moved for adjournment.

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

Adjournment: 9:30 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council

