

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 28, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on April 28, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos 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, 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.

APPROVAL OF MINUTES

The minutes of the April 7, 2014 Special Council Meeting were approved as prepared and published.

PROCLAMATION

Mayor Zilka read a proclamation honoring Fran Fisher for her dedicated service as the Cable Access Manager. Mrs. Fisher resigned from the position to care for her grandchild.

CABLE ACCESS MANAGER APPOINTMENT

Temporary Legislation #10325, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BARB CAGLEY AS PART-TIME CABLE ACCESS MANAGER FOR THE CITY OF AVON LAKE, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10325. Ms. Cagley was interviewed by the Mayor and Mr. Shondel and appeared before the Human Resources Committee. Based on her experience and ability a wage of \$22.00 per hour was recommended.

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

No: None

Motion carried.

Ordinance No. 53-2014 adopted.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

“Breakfast with the Easter Bunny” was held at Troy School. This new venue was very successful.

The second annual Business Expo was held on April 24th at the American Legion Post 211.

The Mayor received a letter from a former Avon Lake resident congratulating Avon Lake for adopting alternate energy for City vehicles.

COUNCIL PRESIDENT'S REPORT

A Work Session will be held on May 5th. Judge Bilancini will give a presentation on the proposed transition to a full-time Judge and Municipal Court. A Collective Committee meeting will immediately follow the Work Session. The next Council meeting is scheduled for May 12th.

SERVICE/ENGINEERING DEPARTMENT REPORT

Beginning with the trash collection on May 5th, residents will be required to use the new cart system. Carts need to be placed three feet apart with lids facing the street. Yard waste must be separated and placed in brown bags; it may also be placed in the old trash cans if clearly marked as “yard waste”. Bulk pick-up will occur the second Monday of each month. Residents with questions should call Republic Services at 1-800-433-1309.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed. The documents for the Woodruff Avenue property transfer have been sent. Notice has been sent to the Lorain County Land Bank regarding the vacant home on Electric Boulevard which is to be demolished.

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. The mascot Al E. Gator will be the official spokesperson for the campaign.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee held a meeting on April 28, 2014 and discussed the following items: the 2014 asphalt and concrete street program contracts; the street tree planting contract; a donation from the American Legion Auxiliary; and a grant to the Avon Lake park program.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee will meet May 1, 2014 at 6:00 P.M.

Mr. Shondel reported on the Issue 16 promotion campaign for natural gas aggregation.

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

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet May 8, 2014 at 6:30 P.M. in the Engineering Conference Room.

MOTIONS

Mr. James moved to authorize the Mayor to sign a contract with Mad Bomber in the amount of \$14,000 for a fireworks display. Several quotes were received and reviewed. Independence Day will be celebrated on July 3, 2014.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

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

Mr. Shondel moved for passage of Temporary Legislation #10300. Chief Streator's salary will be adjusted upward to the level of pay the former Police Chief was receiving when he retired on January 17, 2014. It has been normal and customary

that a new department director or chief is hired at the same rate as the departing director or chief.

Yes: Kos, Meiners, Shondel, Fenderbosch, James

No: Bucci, O'Donnell

Motion carried.

Ordinance No. 46-2014 adopted.

Temporary Legislation #10303R, AN ORDINANCE APPROVING A CONDITIONAL USE GENERAL DEVELOPMENT PLAN FOR LEGACY POINTE PHASES 8 AND 9.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10303R. 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.

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

No: None

Motion carried.

Ordinance No. 47-2014 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.

Mr. Kos moved for passage of Temporary Legislation #10309. 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.

Mrs. Fenderbosch stated that the police vehicle and the Fire Department vehicle are not capable of being converted to propane fuel. Propane fuel can save the City funds. She referred to comments made by the Mayor of Indianapolis in support of a propane program. Since this and the following purchase will not be part of the propane program, Mrs. Fenderbosch stated that she will not support either purchase.

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

No: Fenderbosch

Motion carried.

Ordinance No. 48-2014 adopted.

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.

Mr. Kos moved for passage of Temporary Legislation #10310. 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.

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

No: Fenderbosch

Motion carried.

Ordinance No. 49-2014 adopted.

Second Readings:

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10320. Karvo Paving Company submitted the lowest and best bid in the amount of \$191,456.11.

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

No: None

Motion carried.

Ordinance No. 50-2014 adopted.

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10322. 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.

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

No: None

Motion carried.

Ordinance No. 51-2014 adopted.

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.

First Readings:

Temporary Legislation #10324, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JAMES E. PIETRANGELO, II, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10324. The Law Director requested an amount not to exceed \$10,000 to defend the City.

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

No: None

Motion carried.

Ordinance No. 52-2014 adopted.

Temporary Legislation #10326, AN ORDINANCE CONFIRMING THE EMPLOYMENT OF FRAN FISHER AS A TEMPORARY CONSULTANT FOR THE AVON LAKE CABLE STUDIO ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10326. Mrs. Fisher resigned as the Cable Access Manager effective April 14, 2014, but has agreed to assist the new Cable Access Manager to help with the transition. Mrs. Fisher's salary will be \$18.85 per hour, the rate she was receiving when she held the position of Cable Access Manager.

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

No: None

Motion carried.

Ordinance No. 53-2014 adopted.

Temporary Legislation #10327, 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.

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10327. The Finance Director determined certain transfers and adjustments to appropriations and estimated revenues are needed for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 54-2014 adopted

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Shondel read an article from the Sun Sentinel by Michael Sangiancomo entitled *Voters to Consider Charter Amendments in Primary* and gave his commentary on each Charter amendment.

On May 3, 2014 the Avon Lake High School Key Club will sponsor the Wounded Warrior 5K/1 Mile Walk at 11:00 A.M. beginning at the Kopf Reservation behind the Avon Lake Public Library.

The Avon Lake Community Council award ceremony will take place May 15, 2014 at the Kiwanis Club dinner. Geri Paine will receive the Citizen of the Year Award and the Project of the Year Award will be presented to the Avon Lake Youth Baseball Federation for the Weiss Field concession stand project. The Community Council will give a new award, the Distinguished Service Award, to Lisa Goodwin for her work in the area of drug awareness. Persons interested in attending the awards banquet should contact Marty O'Donnell at 933-7310.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, stated that he will assist the new Cable Access Manager in any way.

EXECUTIVE SESSION

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

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

Adjournment: 8:30 P.M.

RECONVENING OF OPEN COUNCIL MEETING

The open Council meeting reconvened at 9:02 P.M.

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

Mr. Meiners moved for adjournment.

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

Adjournment: 9:03 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council

