

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MAY 12, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on May 12, 2014 at 8:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Meiners 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; Mayor Zilka; Law Director Abe Lieberman; Public Works Director Joseph Reitz; Finance Director Nancy Bryan; and Clerk of Council Barbara Dopp.

Mr. Shondel arrived at 8:30 P.M.

APPROVAL OF MINUTES

The minutes of the April 14, 2014 and April 28, 2014 Regular Council Meetings were approved as prepared and published.

CORRESPONDENCE

Mrs. Bryan submitted a letter resigning from her position as Finance Director effective May 9, 2014 at 4:30 P.M.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Bleser Park and Mannino Field were officially dedicated.

On May 10th Congresswoman Marcy Kaptur visited the Avon Lake Community Garden. She informed those present that Federal funds are available in the recent agricultural bill to fund the development and expansion of community gardens.

On May 10th, the Parks & Recreation Department held its first "Chalk Fest". Fifty-eight participants helped fill in the shape of Al E. Gator which was drawn on the pool parking lot.

Mayor Zilka acknowledged Zachary Arnold, Robert Brooks, William Heine, Ronald Kaminski, Susan Poole, Timothy Rush, Sandi Schickel, Crawford Tyree, and Steven Vass, members of the Charter Review Commission, for their work on the Charter amendments which were approved by the electorate on May 6th.

The American Legion Post 211 will sponsor a Memorial Day ceremony at the Lake Road cemetery followed by a parade and speeches at Veterans Memorial Park.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for May 19th. In observance of Memorial Day no meeting will be held on May 26th. A rescheduled Regular Council Meeting will be held on Tuesday, May 27th.

Three items will be added to the agenda: a motion accepting the resignation of the Finance Director; Temporary Legislation #10337, appointing a part-time Finance Director; and Temporary Legislation #10338, appointing a full-time Finance Director.

Temporary Legislation #10314 and #10315, the two pieces of legislation dealing with the funding of the Moorewood Sewer Separation Project, will not be considered for third reading. The project estimates are higher than expected. New legislation will be drafted.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Reitz stated that he received two anonymous letters regarding issues in Avon Lake. He asked residents with concerns or comments to please identify themselves so he can respond appropriately. He further stated that he will keep identities confidential.

Bulk trash pick-up will only take place the second Monday of each month. Any extra trash left near carts will only be collected on bulk pick-up day. Yard waste will only be collected if placed in brown yard waste bags or in a container clearly marked "yard waste". Carts need to be placed three feet apart with lids facing the street and wheels facing the house. 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 property donation from Steven Dan was completed with the filing of the deed.

FINANCE COMMITTEE

Mr. Meiners reported the Finance Committee held a joint meeting with the Sewer Committee regarding financing of the sewer separation projects.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the following items discussed at the May 5, 2014 meeting of the Human Resources Committee: reorganization of the Fire Department; step increases; Council salaries; and the hiring of a Deputy Clerk of Court.

PUBLIC SERVICE COMMITTEE REPORT

The Public Service Committee will meet on Tuesday, May 27, 2014.

SAFETY COMMITTEE REPORT

The Safety Committee is scheduled to meet May 20, 2014 at 6:15 P.M.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch read the minutes of the May 8, 2014 joint meeting of the Sewer and Finance Committees.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Bucci reported the Economic Development Committee met May 7, 2014. The following items were discussed: an update from the Business Liaison; and the Community Reinvestment Area ordinance.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the results of the May 6, 2014 Planning Commission meeting.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet May 14, 2014 at 7:00 P.M. in the Council Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported the Public Utilities Committee met May 1, 2014. The Committee recommended legislation that was contingent upon passage of Issue 16, the gas aggregation issue.

MOTIONS

Mr. Bucci moved to add a motion to the agenda to accept the resignation of Nancy Bryan.

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

No: None

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Motion carried.

Mr. Meiners moved to authorize the purchase of furniture for the Municipal Court in the amount of \$13,975.99. The purchase will be funded from the insurance settlement for faulty work at the Safety Center.

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

No: None

Motion carried.

Mr. James moved to accept a donation in the amount of \$500 from Life Share. Life Share uses the Old Firehouse Community Center for its blood drives. In appreciation for use of the facility, the organization would like to make a donation to be used at the Old Firehouse Community Center.

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

No: None

Motion carried.

Mr. James moved to accept a donation in the amount of \$150 from the American Legion Post 211 Auxiliary. The American Legion Post 211 Auxiliary joins with the City to co-ordinate "Breakfast with the Easter Bunny". The organization wishes to donate the money for the event.

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

No: None

Motion carried.

Mr. James moved to authorize a grant in the amount of \$500 for the Art Beautification Project. The Parks & Recreation Commission recommended the grant to help beautify City buildings with art.

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

No: None

Motion carried.

Mr. Bucci moved to fix the salaries of Council members at \$9500 per year, and the salary of the Council President at \$11,500 per year. According to the Charter, Council shall fix the salaries of its members by June 1st of each year. Council wishes to have their salaries fixed at the current level.

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

No: None

Motion carried.

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Mr. Bucci moved to accept the resignation of Nancy Bryan from the position of Finance Director effective May 9, 2014.

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

LEGISLATION

Mr. Bucci moved to add Temporary Legislation #10337 to the agenda

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

Mr. Bucci moved to add Temporary Legislation #10338 to the agenda.

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

Third Readings:

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.

Mr. Meiners moved for passage of Temporary Legislation #10312R. This ordinance is for financing the City's portion of the Belmar Sewer Separation Project.

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

Ordinance No. 56-2014 adopted.

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.

Mr. Meiners moved for passage of Temporary Legislation #10313. 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.

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

No: None

Motion carried.

Ordinance No. 57-2014 adopted.

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.

Mr. Meiners moved for passage of Temporary Legislation #10316. This ordinance will provide the funding for the reconstructing of water mains and related water supply facilities by the Municipal Utilities.

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

No: None

Motion carried.

Ordinance No. 58-2014 adopted.

Temporary Legislation #10317R, 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 PUBLIC WORKS DEPARTMENT, AND FOR OTHER CITY FUNCTIONS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #10317R. The Mayor recommended the purchase of vehicles for the Public Works Department.

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

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No: None

Motion carried.

Ordinance No. 59-2014 adopted.

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.

Mr. Meiners moved for passage of Temporary Legislation #10318.

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

No: None

Motion carried.

Ordinance No. 60-2014 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.

Mr. James moved for passage of Temporary Legislation #10323. 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.

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

No: None

Motion carried.

Ordinance No. 61-2014 adopted.

First Readings:

Temporary Legislation #10328, A RESOLUTION SUPPORTING AN AMENDMENT TO OHIO REVISED CODE SECTION 1901.08 TO DESIGNATE THE AVON LAKE MUNICIPAL COURT JUDGE A FULL-TIME JUDGE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. O'Donnell moved for passage of Temporary Legislation #10328. Judge Bilancini gave a presentation to Council regarding his recommendation for a full-time judge in the Municipal Court. As the population of the three communities the Court serves has grown, there have been increased demands on the Court. State Senator Gayle Manning introduced the legislation that will make the change.

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

No: None

Motion carried.

Ordinance No. 62-2014 adopted.

Temporary Legislation #10329, AN ORDINANCE APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10329. In anticipation of a retirement, Judge Bilancini wishes to move Shawna Dennis from a part-time position to a full-time position.

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

No: None

Motion carried.

Ordinance No. 63-2014 adopted.

Temporary Legislation #10330, AN ORDINANCE AUTHORIZING ENTERING INTO A NATURAL GAS PROGRAM AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

With passage of Issue 16, a resolution authorizing a natural gas aggregation program is required in order for NOPEC to move forward with the operating agreement. Once the program is in place, customers will receive an opt-out letter that will require them to either opt-out of the aggregation program or become part of the program.

Temporary Legislation #10331, AN ORDINANCE AWARDDING A CONTRACT FOR THE 2014 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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C & C Concrete submitted the best bid in the amount of \$372,625 for the 2014 concrete street project.

Temporary Legislation #10332, AN ORDINANCE AWARDED A CONTRACT FOR THE 2014 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

Precision Paving submitted the best bid in the amount of \$635,891.25 for the 2014 asphalt street project.

Temporary Legislation #10333, AN ORDINANCE AWARDED A CONTRACT TO BRUNNER LANDSCAPING FOR STREET TREE PLANTING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10333. Brunner Landscaping submitted the best bid in the amount of \$20,165 for street tree planting. Funding for the project is from the tree fund which developers pay into at the time of plat approval.

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

No: None

Motion carried.

Ordinance No. 64-2014 adopted.

Temporary Legislation #10334, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208 (e) OF THE GENERAL FEE SCHEDULE, AND DECLARING AN EMERGENCY, was read by title only.

The Parks & Recreation Commission recommended modifications to the Special Events Permit Application. The current application is very cumbersome and the modifications will streamline the process and make it more efficient for individuals seeking a permit. The modification to the application will necessitate changes to the fee schedule.

Temporary Legislation #10335, AN ORDINANCE PROVIDING FOR AN ADJUSTMENT TO PERMANENT APPROPRIATIONS, 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: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10335. The Finance Director determined certain adjustments to permanent appropriations are needed for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 65-2014 adopted.

Temporary Legislation #10336, AN ORDINANCE PROVIDING FOR COUNCIL TO AUTHORIZE THE DRAWING OF A WARRANT FOR THE PAYMENT OF AMOUNT DUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10336. A computer was purchased before the purchase order was processed. This ordinance will authorize payment of \$3,749 to American Express.

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

No: None

Motion carried.

Ordinance 66-2014 adopted.

Temporary Legislation #10337, AN ORDINANCE CONFIRMING THE EMPLOYMENT OF STEVEN J. PRESLEY AS PART-TIME FINANCE DIRECTOR FOR THE CITY OF AVON LAKE, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10337. With the resignation of Ms. Bryan from the position of Finance Director, it is necessary to

provide for a part-time Finance Director until such time as Mr. Presley will be able to assume the duties on a full-time basis. Mr. Presley is finishing his obligations to his present employer.

Due to a family emergency, Mr. Kos was excused from the meeting by general consent.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 67-2014 adopted.

Temporary Legislation #10338, AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF STEVEN J. PRESLEY TO THE POSITION OF FINANCE DIRECTOR, ESTABLISHING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10338. Effective May 26, 2014, Mr. Presley will assume the duties of full-time Finance Director at an annual salary of \$100,000. Mayor Zilka stated that it was determined that Mr. Presley can continue to serve as a part-time Finance Director of Olmsted Falls while serving as the full-time Finance Director of Avon Lake.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 68-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Avon Lake Garden Club will hold garden tours on May 14th beginning at the wildflower garden at Miller Road Park.

On May 15th the original Avon Lake citizens who started the wildflower garden and the gazebo garden at Miller Road Park will give a presentation at 11:00 A.M. at the Avon Lake Public Library.

ADJOURNMENT

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Mr. Meiners moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 9:10 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council