

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MAY 27, 2014**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on May 27, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. O'Donnell 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; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

Absent: Finance Director Presley

APPROVAL OF MINUTES

The minutes of the May 12, 2014 Regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka acknowledged the efforts of the American Legion Post 211 for the Memorial Day ceremonies. He also thanked Mrs. Fenderbosch for organizing the Memorial Day Parade.

Temporary Legislation #10351 and #10352 are on the agenda. These ordinances begin the process of pursuing the renewal of the operating levy and the EMS levy, both of which expire at the end of 2015. The initial plan was to place both issues on the ballot in May of 2015, but Finance Director Presley recommended placing the issues on the November 2014 ballot; the levies will go into effect at the same time whether they are approved in 2014 or 2015. Both levies will be renewals with no tax increases. The cost to the City of Avon Lake will be less in the November election since there will be numerous issues on the ballot in 2014; the cost is divided among the communities with issues on the ballot. After the tax valuations are received from the County Auditor, City Council must vote to place the issues on the ballot before Council recess in July. Due to changes in State law, any change to the renewal levy would result in a 12.5% increase in taxes.

The municipal pool is scheduled to be opened on May 30th at 4:00 P.M. The pool could not be opened Memorial Day weekend due to a water line break.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for June 2nd and the next Council meeting is scheduled for June 9th.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Reitz is scheduled to meet with the contractor for the paving of the Lear/Walker intersection. Efforts will be made to cause the least amount of traffic disruption.

Under the terms of the new trash contract, all yard waste must be placed in brown yard waste bags or in containers clearly marked "yard waste". Carts must be placed at least three feet apart with the wheels facing the house.

LAW DIRECTOR'S REPORT

The litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet June 11, 2014 at 6:00 P.M. in the Council Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the Public Service Committee met on May 27, 2014 and discussed the following items: Norfolk Southern review fees for the Lear/Krebs intersection project; the Heider Ditch retention wall; the status of the Public Works Department consolidation; the opening of the municipal pool; and park rules and regulations.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee is scheduled to meet June 5, 2014 at 6:00 P.M. The public hearings for the natural gas aggregation program have been scheduled for the June 23, 2014 and the July 14, 2014 Council meetings.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the May 20, 2014 Safety Committee meeting: the Legacy Pointe traffic calming program; street parking; update on the leash law; and the outfitting of a Fire Department vehicle.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet June 12, 2014 at 6:30 P.M.

LEGISLATION

Mr. Bucci moved to table Temporary Legislation #10350, fixing the salaries of the members of the Board of Municipal Utilities.

Pursuant to Charter Section 52, Council is responsible for setting the salaries of the members of Council and the Board of Municipal Utilities. The Board of Municipal Utilities approved a salary increase of its members and recommended it to Council. Mr. Bucci stated that there is consensus among Council that the salary increase recommendation should follow the regular process of review by the Human Resources Committee and the Collective Committee with three readings before Council. If the process is followed, there isn't enough time to effectuate the change this year since the salary adjustment must be set before June 1st according to the Charter. There is a willingness among Council to adjust the Board's salaries since it has been at least ten years since the salary of the ALMU Board has been adjusted and since that time, ALMU has grown and the Board members have taken on additional responsibilities. An ad hoc citizens committee could be established to look at the salaries of the Board, as well as the salaries of Council and the Mayor. Law Director Lieberman stated that the process of reviewing the salaries of the Board can be started at any time, but an adjustment would not become effective until January 1, 2016.

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

No: None

Motion carried.

Second Readings:

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

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

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

No: None

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Motion carried.

Mr. James moved for passage of Temporary Legislation #10331R. Denes Concrete submitted the best bid in the amount of \$372,625 for the 2014 concrete street project.

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

No: None

Motion carried.

Ordinance No. 69-2014 adopted.

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10332. Precision Paving submitted the best bid in the amount of \$635,891.25 for the 2014 asphalt street project.

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

No: None

Motion carried.

Ordinance No. 70-2014 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.

First Readings:

The Clerk of Council submitted the Fiscal Officer's Certificates for Temporary Legislation #10340 and Temporary Legislation #10341.

Temporary Legislation #10340, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,600,000 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 financing will cover the City's portion of the project which will be under the direction of the Public Works Director in conjunction with the Avon Lake Municipal Utilities. The contracts have been approved by the Board of Municipal Utilities. Once the financing is complete, the project should begin by the middle of July. It will take approximately two years to complete the project which affects over 300 homes.

Temporary Legislation #10341, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 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 financing will cover the Utilities portion of the project.

Temporary Legislation #10342, AN ORDINANCE AMENDING ORDINANCE NO. 68-2014, 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, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10342. There was an error in the ordinance confirming the employment of Steve Presley, Finance Director. The City no longer offers employees the PERS pick-up benefit which was included in Mr. Presley's hiring ordinance.

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

No: None

Motion carried.

Ordinance No. 71-2014 adopted.

Temporary Legislation #10343, A RESOLUTION RENEWING RESOLUTION NO. 132-94 ESTABLISHING AND DESCRIBING THE COMMUNITY REINVESTMENT AREA AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance designates the entire City of Avon Lake as the community reinvestment area.

Temporary Legislation #10344, AN ORDINANCE REVOKING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF AVON LAKE AND CHEMTRON CORPORATION/GUENTHER REAL ESTATE LLC, AND DECLARING AN EMERGENCY, was read by title only.

In 2007 the City of Avon Lake entered into a Community Reinvestment Area Agreement with Chemtron. Chemtron's business plans changed and they no longer wish to pursue the tax abatement agreement.

Temporary Legislation #10345, AN ORDINANCE REVOKING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF AVON LAKE AND NATIONAL FLEET SERVICES OF OHIO, LLC, AND DECLARING AN EMERGENCY, was read by title only.

In 2008 the City of Avon Lake entered into a Community Reinvestment Area Agreement with National Fleet Services of Ohio LLC. The company's business plans changed and they no longer wish to pursue the tax abatement agreement.

Temporary Legislation #10346, AN ORDINANCE APPROVING THE FINAL PLAT FOR LEGACY POINTE PHASE 7, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10346. The developer requested emergency passage at the first reading to allow for the recording of the plat to prevent unnecessary delays in the mortgage closings of homes. This phase dedicates an additional right-of-way and creates 17 buildable lots.

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

No: None

Motion carried.

Ordinance No. 72-2014 adopted.

Temporary Legislation #10347, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY POINTE PHASE 8, was read by title only.

This phase consists of 18 single family homes connecting to the existing English Turn and creates the new street Turnberry Court.

Temporary Legislation #10348, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR WATERSIDE CROSSING NORTH, PHASE 2, was read by title only.

This phase creates the new private street Brookcrest Place, east off the turn around, north off Walker Road, and south off Canterbury Road, and creating 31 single family lots.

Temporary Legislation #10349, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1212.03, 1240.06, 1242.02, AND 1250.04, was read by title only.

The Zoning Administrator recommended amendments to Planning & Zoning Code Sections 1212.03, 1240.06, 1242.02, and 1250.04. These amendments will clearly and simply define what is considered as livestock and the requirements for keeping livestock. The definition for livestock includes animals that are customarily bred, raised, or kept on agricultural property including but not limited to horses, ponies, sheep, goats, cattle, swine or any other hoofed animal, lamas and alpacas, emus, ostriches, peacocks, chickens, ducks, geese, and also dwarf or miniature subcategories of such animals.

(Temporary Legislation #10350 was tabled)

Temporary Legislation #10351, A RESOLUTION REQUESTING THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03 TO CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.0 MILL RENEWAL LEVY FOR THE PURPOSE OF AN AMBULANCE AND EMS LEVY, 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, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

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Mr. Meiners moved for passage of Temporary Legislation #10351. The Finance Director recommended placing the EMS levy and the operating levy on the November general election ballot rather than placing them on the ballot in May 2015. There will be less cost to the City with a general election and there is a higher voter turnout. In a May election, the City would bear the entire cost of the election if no other community has an issue on the ballot.

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

No: None

Motion carried.

Ordinance No. 73-2014 adopted.

Temporary Legislation #10352, A RESOLUTION REQUESTING THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE 5705.03 TO CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.50 MILL RENEWAL LEVY FOR THE OPERATING EXPENSES OF THE CITY OF AVON LAKE, 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, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10352. As with the EMS levy, it was the recommendation of the Finance Director to place this levy on the November 2014 general election ballot. This is the first step in the process. Once the Auditor has certified the tax valuation and dollar amounts, Council will have to pass another ordinance to actually place the levy on the ballot.

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

No: None

Motion carried.

Ordinance No. 74-2014 adopted.

Temporary Legislation #10353, AN ORDINANCE PROVIDING FOR TRANSFERS OF FUNDS, 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, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10353. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

Ordinance No. 75-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos conducted the Junior Achievement program for Mrs. Blankenship's and Mrs. Volare's fourth grade classes at Redwood School.

Fire Chief Chris Huerner graduated from the Cleveland State University Leadership Academy.

Residents should call 811 before any landscaping digging to have the utility lines located.

Per the U.S. flag code, on Memorial Day all U.S. flags flying on or near Federal, State, and local government buildings should be at half-staff from sunrise until noon; all other businesses, organizations, and residences are encouraged to follow the same protocol. Anyone interested in receiving the "Operation Fly the Flag" alert should contact John Shondel at osujohn2@mac.com.

The American Legion Post 211 will hold a retreat ceremony on June 14, 2014 at noon celebrating the 239th birthday of the United States Army and Flag Day. The post will properly dispose of any worn, faded, or tattered U.S. flags in a dignified manner. Residents are encouraged to bring old flags to Post 211 before June 14th.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:52 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council