

**MINUTES OF A SPECIAL MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD JUNE 30, 2014**

A special meeting of the Avon Lake Municipal Council was called to order on June 30, 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; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

Absent: Jennifer Fenderbosch, Finance Director Presley

**EXECUTIVE SESSION**

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

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

Absent: Fenderbosch

Motion carried.

Adjournment: 7:35 P.M.

**RECONVENING OF OPEN COUNCIL MEETING**

The Council meeting was reconvened at 8:14 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; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

Absent: Jennifer Fenderbosch, Finance Director Presley

There being no objections, Mrs. Fenderbosch and Mr. Presley were excused from attendance at the meeting.

**AUDIENCE PARTICIPATION**

Michelle Murphy, 5554 Bay Hill Drive, Avon Lake, read a statement in opposition to bow hunting in Avon Lake neighborhoods.

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Sandra Barnes, 33687 Lake Road, expressed her opposition to the proposed deer management legislation.

Robert Garrett, Jr. 189 Fairfield Road, Avon Lake, expressed his support for deer management.

Margaret Artin, 297 Bayview Drive, Avon Lake, expressed her opposition to the proposed deer management ordinance.

Nancy Jazwa, 298 Bayview Drive, Avon Lake, expressed her opposition to the proposed deer management ordinance.

Phil Langer, 32397 Regency Court, Avon Lake, expressed his opposition to the proposed deer management ordinance. He pointed out that shooting a deer in his development would be a violation of the HOA by-laws.

Susan Hill Brown, 33065 Electric Boulevard, Avon Lake, expressed her opposition to the proposed deer ordinance.

Becky Grunick, 32397 Regency Court, Avon Lake, expressed her opposition to the proposed deer ordinance.

**MOTIONS**

Mr. Bucci moved to accept, approve, and authorize the Mayor to execute effective as of July 1, 2014 the collective bargaining agreement tentatively agreed to between the administration of the City of Avon Lake and the Fraternal Order of Police Lodge #25/Officers and Detectives.

The agreement is a three-year contract with the Police Officers and Detectives. By the terms of the agreement, a pay increase of 2% for each year will be granted. Additionally, the employees will assume a greater portion of the health insurance cost; the employee's share will be 10% of the premium.

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

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved to accept, approve, and authorize the Mayor to execute effective as of July 1, 2014 the collective bargaining agreement tentatively agreed to between the administration of the City of Avon Lake and the Fraternal Order of Police Lodge #25/Sergeants and Lieutenants.

The agreement is a three-year contract with the Police Sergeants and Lieutenants. By the terms of the agreement, a pay increase of 2% for each year will be granted.

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Additionally, the employees will assume a greater portion of the health insurance cost; the employee's share will be 10% of the premium.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci  
Absent: Fenderbosch  
Motion carried.

Mr. Bucci moved to accept, approve, and authorize the Mayor to execute effective as of July 1, 2014 the collective bargaining agreement tentatively agreed to between the administration of the City of Avon Lake and the Firefighters Local 1361.

This is a three-year contract with the Firefighter's union and the City. The union has agreed to the Fire Chief's proposed reorganization of the Fire Department creating the positions of Assistant Chief and Captains, and reducing the number of Lieutenants. By the terms of the agreement, a pay increase of 2% for each year will be granted. Additionally, the employees will assume a greater portion of the health insurance cost; the employee's share will be 10% of the premium.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci  
Absent: Fenderbosch  
Motion carried.

**LEGISLATION**

Second Readings:

Temporary Legislation #10362, A RESOLUTION SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING AMBULANCE AND EMS SERVICES TO THE CITY OF AVON LAKE PURSUANT TO OHIO REVISED CODE SECTION 5705.19 (I), AND DECLARING AN EMERGENCY, was read by title only.

The County Auditor certified the estimated dollar revenues would be \$1,550,263 with the passage of the EMS renewal levy. This is a three year 2 mill levy. If approved, this levy will become effective January 1, 2016. This renewal levy will be placed on the November ballot rather than on the ballot next May since the general election usually has a larger turnout and the expense to the City is lower in a general election.

Temporary Legislation #10363, A RESOLUTION SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF AVON LAKE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 (A), AND DECLARING AN EMERGENCY, was read by title only.

The County Auditor has certified that the amount of estimated dollar revenues that would be generated by a renewal levy is \$920,260. The renewal is a five year levy which will begin with the fiscal year 2016. The current levy is in place for the year 2015. This renewal levy will be placed on the November ballot.

Temporary Legislation #10365R, AN ORDINANCE TO ALLOW THE CITY AND PRIVATE CITIZENS TO MANAGE THE WHITE TAILED DEER POPULATION WITHIN THE CITY OF AVON LAKE, REPEALING CURRENT SECTION 618.12 OF THE CODIFIED ORDINANCES AND ORDINANCE NO. 4-2013, AND ENACTING NEW SECTION 618.12 OF THE CODIFIED ORDINANCES.

Mr. Shondel made the following comments. Council members and the Mayor have received e-mails questioning the elimination of safety requirements in the proposed ordinance. By enumerating a number of detailed restrictions in the current ordinance, it was ineffective. By not including the safety restrictions in detail in the proposed ordinance, but instead substitute them with the professional judgment of the Ohio Department of Wildlife Officer and the Police Chief or his designee, safety will be dealt with on a very specific case by case basis. To discount out of hand these professional judgments on a case by case basis is not well founded and is somewhat derogatory to these individuals. Safety is the primary concern of everyone on Council and every member of the City administration.

Mr. Shondel stated that in the fifth Whereas clause in the proposed ordinance, contraception was removed as a management tool. The Ohio Department of Natural Resources has ruled against contraception and there is very little chance that contraception would be approved in the State of Ohio.

Mr. O'Donnell stated that Mr. Kos presented a number of amendments to the proposed deer legislation just before the Council meeting began. Since Council members have not had time to review the amendments and since the Police Chief is not in attendance to give his input, he asked Mr. Kos to wait until Council, the Mayor, and the Police Chief have reviewed the amendments before putting the amendments to a vote.

Mr. Kos stated that the amendments he is proposing would count as significant changes and could not be done on a third reading. He further stated that this is the opportunity. There is nothing in the proposed amendments, except for one item, that Council has not already studied and voted in favor of in the current ordinance. Some of the proposed restrictions in the amendments are less than what was previously voted upon.

Mr. Bucci urged Mr. Kos to postpone voting on the amendments until the July 14<sup>th</sup> Council meeting since he received the amendments just as the Council meeting began and has not had a chance to review the amendments.

Mr. James asked for a point of order. He stated that if he is asked to make a decision on the amendments right now, he would probably vote in favor of some and likely vote against some, but he would be voting in a highly uninformed position without the input of the administration and the Police Chief. Mr. James asked the Law Director for clarification on the rule regarding amendments of substance being added at the third reading of legislation.

Law Director Lieberman stated that according to Codified Ordinance Section 220.15 (h), if substantially amended upon the third reading, the reading shall be postponed until the next meeting or referred to a committee for further study. It doesn't necessarily have to go back to committee. Whether or not it is substantial will depend in part on what amendments are accepted. If only one or two of many amendments are accepted, then it may not be substantially amended. The Codified Ordinance doesn't indicate who would decide what is substantial. There would have to be an agreement among Council as whether or not the amendment is substantial.

Mr. Meiners agreed with Mr. Bucci. He further stated that he respects what Mr. Kos is doing, but he does not want to vote on the amendments until he can study them further. He cannot address the concerns of his constituents unless he understands exactly what Mr. Kos intends with the amendments. Mr. Meiners stated that he feels pressured into making a decision and would like to wait and have input from the Mayor, the Police Chief, and Mr. Shondel, the sponsor of the legislation.

Mr. O'Donnell asked the Mayor for his position on the proposed amendments. Mayor Zilka stated that he only saw them before the start of the meeting and is trying to figure out the ramifications of each change. He stated that he would have difficulty considering the amendment without input from the Police Chief since he was a major force in the development of the proposed deer legislation. Mayor Zilka stated that the amendments would once again make deer management impractical and Avon Lake would continue to see an increase in deer/vehicle accidents and the possibility of more deer/human confrontation.

Mr. Kos stated that the Mayor gave his opinion that he is against the amendments and therefore, does not know what further discussion would do. Mr. Kos made the following comments. If the language looks familiar, it is because it is the exact ordinance that was passed one year ago. There have been statements that the current ordinance is unworkable due to the safety restrictions. The current ordinance has a 250 foot setback requirement; the proposed amendment reduces the setback to 100 feet which opens up more opportunities for bow hunting; the ordinance would have a written limit. Every community has some level of setback or minimum acreage. The current legislation in effect, has a five acre minimum; the proposed amendment would have a one acre minimum.

Mr. Kos stated that the next amendment would require that hunting cannot occur next to a school or daycare. It is the same language that was passed in the current

deer legislation. Mr. Kos stated that he has quotes from some members of Council on how much they opposed hunting next to schools and daycare centers.

The next amendment would require shooting of deer only from an elevated position of at least ten feet off the ground, which is in the current legislation. Mr. Kos stated that, in the ideal legislation that Mr. Westerfield discussed, he mentioned the Village of Glen Willow as having a piece of legislation that Avon Lake should emulate. In the Glen Willow ordinance, an elevated tree stand of at least 10 feet is required. It also has a population of 930. Avon Lake has a population 20 times that, and Council cannot agree that there should be some minimum cutoff.

Mr. Kos stated that the one new item he added to the amendments is the requirement for a criminal background check for anyone applying for a Deer Damage Permit. Channel 3 News reported that 1200 felons were issued hunting licenses to shoot deer.

Mr. Bucci asked for a point of order. He suggested that, if Council is going to vote, why not do so one by one rather than have Mr. Kos go through each amendment and then have to go through them again at the time of voting.

Mr. Kos stated there is nothing foreign in the proposed amendments. He stated that he suspects everyone will vote against the amendments and doesn't want to wait two weeks and have audience members have to come to another meeting. He stated that he is disappointed that the safety restrictions have been removed from the proposed deer ordinance and has a right as a Councilmember to propose the amendments.

Mr. Shondel made the following comments. The Environmental Committee met on February 12, 2014, March 12, 2014, April 9, 2014, May 14, 2014, and June 11, 2014. The deer legislation was on the agenda at all five meetings. He further stated that, if Mr. Kos had any of these questions that he wanted seriously discussed, he is quite surprised that he couldn't find time to attend one of those committee meetings.

Mr. James stated that he would like to try to strike a balance. He challenged Mr. Kos's presumption that all of his amendments would fail passage. If forced to vote tonight, Mr. James stated that he might vote for some. Not necessarily, will all votes be 5-1. Mr. James broke down possible scenarios to bring Council together to a moderate position. If Mr. Kos delayed the vote on the amendments to the third reading and they all fail, there would not be changes to the proposed deer legislation and it could receive the third reading. This was confirmed by the Law Director. If one of the amendments were to pass, then Council would have to decide if it is a substantive change to the legislation. If it is decided that the change is not substantive, the legislation will be voted upon at the third readings. If one of the amendment passes, and it is determined that it is substantive, the legislation would either be referred to a committee meeting or to the next Council meeting, which could be scheduled during Council recess. Mr. James stated that he thinks the fairest balance is that the amendments are voted upon at the third reading on July

14<sup>th</sup>. It would provide the administration and Council time to study the amendments and make good decisions and would give Mr. Kos time to fairly vet his ideas.

Mr. Kos stated that he appreciates the comments made by Mr. James. He made the following comments. This has been an extremely long and emotional ordeal over the last three years. It would be hard to ask folks to come back to another meeting. Many folks still care deeply about the subject and it is hard to get them to keep coming to meetings when they feel their voices haven't been heard. Mr. Kos stated that he has a feeling which way the vote will go. These are all issues thoroughly discussed and voted upon one year ago.

Mr. Kos moved to amend Section 618.12(a)(1)(A)(1) to add the language in bold type to following section: A map, with boundaries, outlined on the map, of the property or properties (collectively, the "Subject Property") on which the applicant(s) wishes to hunt and the approximate location(s) on the Subject Property where the hunter(s) will be stationed, **shooting shall not occur within 100 feet of a lot line of the Subject Property or within 100 feet of an occupied dwelling, driveway or roadway.** Mr. Kos made the following comments. When Mr. Westerfield was at the CCM on June 16, 2014, he spoke of the Glen Willow and the Twinsburg ordinances that he said are comparable to the Avon Lake legislation; both speak to setbacks and minimum acreage.

Mayor Zilka stated that he has concerns with the amendment and the 100 foot requirement. This would eliminate a large number of areas where there are very serious problems with deer. This is the problem with the current legislation in effect. There are so few places that qualify. The proposed amendment eliminates much of an opportunity for safe and effective culling to take place.

Mr. Bucci asked Mr. Kos if he knows how many parcels this would eliminate and how many would remain eligible. Mr. Kos stated he does not know since a map was never proposed showing the setbacks. Mr. Bucci asked Mr. Kos if knew the impact or effect the amendment would have. Mr. Kos stated that he does not.

Yes: Kos

No: James Meiners, O'Donnell, Shondel, Bucci

Absent: Fenderbosch

Motion failed.

Mr. Kos moved to amend Section 618.12(a)(1)(A)(2) by adding the bold type language to the following section: The County Auditor's parcel numbers of the Subject Property and total acreage, **Subject Property shall not be less than one acre in size.** Mr. Kos explained that the current legislation in effect has a five acre minimum and the amendment reduces that to a 1 acre minimum. This would show that Avon Lake has some minimum standards for the size of the property. Glen Willow, North Ridgeville, Mentor, Solon, Independence, Hudson, Aurora, and Twinsburg have minimum acreage, and most are four to five acres.

Mr. Bucci asked Mr. Kos why one acre is set as the minimum. Mr. Kos stated that it is better than a no acre minimum.

Mr. Shondel stated that the Police Chief is going to make a case by case analysis of the places where the taking of deer will occur. That is the major difference in the proposed legislation and the current legislation. After the Department of Wildlife determines there is deer damage, the Chief of Police will make a site visit and analyze it in detail and outline exactly where the shooter will be, and in most cases it will be from an elevated stand. The Police Chief will tell the shooter exactly which direction he is permitted to shoot.

Mayor Zilka suggested that Council consult with Chief Streator before considering the amendments. The recent incidences where deer jumped through windows and caused considerable damage are on properties that are not one acre in size and back up to woods where there could be a safe program under the careful consideration of Chief Streator. The proposed amendment would tie his hands and create a situation where the deer population cannot be reduced to a safer level.

At Mayor Zilka's suggestion, Mr. Kos withdrew his motion.

Mr. Kos moved to amend Section 618.12(a)(1)(A)(3) by adding the following language. "Subject Property shall not be adjacent or contiguous to a school or daycare facility. When Council approved the current deer legislation they agreed that deer culling should be kept away from schools, a decision popular in the community. Mr. Kos read quotes from Superintendent Bob Scott that appeared in an article in *The Press* two years ago against any hunting on school property. Mr. Kos stated that school property is used 365 days a year for some type of activity.

Mr. Bucci asked Mr. Kos for a clarification on his comments and references to quotes regarding hunting on school property and the fact that his amendment states Subject Property shall not be adjacent or contiguous to a school or daycare facility.

Mr. Kos said he took it from the last legislation that was passed. The reason he read the part about the school property is because Superintendent Scott was quoted as saying he would never allow hunting on school property. The part that is concerning the adjacent properties is because people are on school property all the time. If residents whose property is contiguous to a school or daycare facility have a deer problem, they will have to find another way to deal with that particular deer problem. Mr. Kos stated there should never be deadly weapons in or near a daycare facility.

Mayor Zilka stated that one area where there is a particularly difficult deer situation is adjacent to the United Church of Christ property which has a daycare facility. People who back up to Glenview have deer problems. There have also been two likely cases of poaching in the same area. People who live along Route 83 who back up to the area have talked to the Mayor about the large herd of deer that is

overwhelming their neighborhood. With this amendment, nothing could be done in the area even though there are substantial properties of owners who see this as a serious problem and are concerned about their safety.

Mr. Meiners stated that the legislation should state that hunting is prohibited on any school property, any library, and possibly any church property. Superintendent Scott's successor may not have the same opinion as Mr. Scott.

Mr. Kos stated that this is in the legislation that was previously passed and is nothing new. Mr. O'Donnell stated that it didn't work in the current legislation.

In response to Mr. O'Donnell, Mr. Kos stated that he did not consult with Chief Streater about his proposed amendments.

Mr. Kos stated that he did not include churches in the areas where hunting would be prohibited in order to address the Rt. 83 UCC area. He stated that if there is a consensus he will withdraw the motion and revise it. Mr. O'Donnell stated that it would be a good idea to consult with Chief Streater. Mr. Kos withdrew the motion.

Mr. Kos moved to amend Codified Ordinance Section 618.12(a)(1)(A)(8) by adding the following language: "Shooting shall only be conducted from a fixed, elevated position at least 10 feet off the ground." This is the current law in effect. If hunting is being moved closer to residences without setbacks, there should at least be a requirement for a fixed elevation. Mr. Kos stated he would be willing to amend this motion to state, "or as otherwise determined by the Police Chief".

Mr. Bucci asked Mr. Kos why he is willing to defer to the Police Chief on this amendment, but not on any other amendments. Mr. Kos stated he is willing to defer to him on this amendment if it will get the requirement in the legislation. He would be willing to remove the safety conditions if a unique situation arises. Mr. Kos stated that Glen Willow and Twinsburg require an elevated tree stand.

Mr. James suggested the following revision to the motion. "Shooting shall be only conducted from a fixed elevated position at least ten feet off the ground, but such requirement may be waived at the discretion of the Chief of Police." Mr. Kos agreed with the suggestion.

Mr. Shondel stated that this matter came up at several different meetings and Chief Streater said he did not want to have those kinds of restrictions in the legislation, but wanted to have each property evaluated on a case by case basis. Chief Streater informed the committee that in most cases he wouldn't grant a permit without an elevated stand. Mr. Shondel stated that the Environmental Committee worked for five months on drafting the legislation; it is not the intent of the legislation to add specifics.

Mr. Bucci stated that Mr. Kos has made four amendments out of 20; one amendment has failed, two have been withdrawn for further discussion with the Police Chief, and the amendment under consideration is being amended. He urged Mr. Kos to postpone any further discussion and bring the amendments back in two weeks after everyone, including Chief Streater, has had a chance to study them.

Mayor Zilka pointed out that an elevated position might not be necessary in an area like Walker Road Park under certain circumstances.

The roll call was taken on the amended language, "but such requirement may be waived at the discretion of the Chief of Police".

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

No: Shondel

Absent: Fenderbosch

Motion carried.

The roll call was taken on the following amendment: "Shooting shall be only conducted from a fixed elevated position at least ten feet off the ground, but such requirement may be waived at the discretion of the Chief of Police."

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to amend Section 618,12 (a)(1)(B)(3), to add the following language. Personal notification of the occupants of adjacent properties or on a case by case basis with unoccupied properties. The Police Chief talked about notification at a previous meeting and how in some situations it does not make sense such as an abandoned or undeveloped property. By this amendment, adjacent property owners shall be notified if a Deer Damage Permit has been issued.

Mr. Bucci stated that it is his understanding that if a resident is granted a Deer Damage Control Permit, it is an ongoing permit to cull deer. He asked Mr. Kos if the notification would be ongoing and asked for more clarification as to when the notification would be given. Mr. Kos stated he would leave the notification process up to the Police Chief.

Mr. Bucci stated that some clarification is needed such as who gives the notification. He further stated that these are the problems one has when the legislation becomes too specific. Mr. O'Donnell stated he would like to hear the Police Chief's input regarding notification.

Mr. Kos stated that he would withdraw the amendment if it could be brought back to the next meeting. He suggested amending it to read, "the Chief of Police or his

designee shall grant personal notification.” Law Director Lieberman stated that this would not substantially change the ordinance.

Mr. Kos withdrew his motion.

Mr. Kos moved to add Section 618.12 (a)(1)(A)(9) by adding the following language. “Verification that each shooter will be subject to a criminal background check and that the results may impact approval of a City permit”. Mr. Kos referred to a report by Tom Myer of Channel 3 which found that nearly 1250 felons were issued hunting licenses to go into the woods and shoot deer. Many are violent felons with rap sheets that include attempted murder and rape. There is no Ohio law that prevents felons from obtaining a hunting license and the State does not require a criminal background check. Mr. Kos stated that this amendment does not mean a felon could never get a Deer Damage Permit. If a person has a felony for tax evasion he could still probably get a permit. A drug conviction or other violent crime would raise red flags.

Mr. Meiners suggested that something be put in the legislation to prevent any felon from hunting in Avon Lake. Law Director Lieberman stated that it would be legal to put such a provision in the legislation. Mr. Kos stated that he was trying to put a provision in the legislation regarding a white collar crime.

Mayor Zilka stated that hunting is not allowed in Avon Lake and this does not fall under the hunting rules and regulations. Mr. Westerfield made it clear that the deer ordinance is about an agricultural permit for deer reduction. Mr. Zilka stated that there are different levels of background checks and costs. Before any action is taken, the City needs to determine which level of background check would be appropriate and what the cost would be. Mayor Zilka stated it is important to have the input from the Police Chief.

Mr. Bucci asked Mr. Kos who would be responsible for doing a criminal background check; the resident, the City, or the shooter. Mr. Kos responded that it would be the responsibility of the Police Chief or his designee. An individual applying for the permit would be told that a background check would be performed and it could impact the issuance of the permit. Mr. Kos stated the cost would be minimal to what the potential impacts would be if a background check weren't performed.

Mr. Shondel stated that there are two basic permits. The Department of Wildlife grants a Deer Damage Control Permit; they are concerned with deer damage. The City of Avon Lake, through the Chief of Police or his designee, further refines the people who appear on the Deer Damage Control Permit and issue a Municipal Deer Control Permit which will be determined by the Chief of Police. Any shooter must have completed the Ohio Hunter Education Course and have a valid Ohio hunting license. Mr. Shondel stated that he would suspect that the Chief of Police would devise a method to determine the criminal background of the shooter who appears on the Deer Damage Control Permit before he issues the municipal permit.

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Mr. Shondel stated that the background check requirement is not something he wants to see in the ordinance, but would encourage the Police Chief to have more requirements than what appear in the ordinance.

Mr. O'Donnell recommended having the input from the Police Chief regarding criminal background checks.

Mr. Kos stated that it is his philosophy as a legislator to put some basic requirements in writing.

Mr. Kos withdrew his motion.

Temporary Legislation #10366, AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM, AND DECLARING AN EMERGENCY.

The voters approved a natural gas aggregation program for Avon Lake at the May 6, 2014 election. This legislation will approve the Plan of Operation and Governance. Once approved, all Avon Lake customers not under a current contract will receive an opt-out letter that will require them to either opt-out of the aggregation program or be eligible to become part of the program when they are otherwise eligible.

Mr. Meiners moved for adjournment.

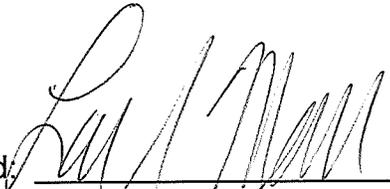
Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci

No: None

Absent: Fenderbosch

Motion carried.

Adjournment: 10:00 P.M.

Approved:   
Council President Pro Tem

Attest:   
Clerk of Council