

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 22, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on September 22, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Director of Finance Steve Presley; Public Works Director Joseph Reitz; and Assistant Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the August 25, 2014 regular Council Meeting and the September 8, 2014 regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Two levies will be placed on the ballot in November. Both levies will not increase taxes and will maintain the tax rates at the current level.

Issue 12 is the renewal of a 2 mill levy specifically designated for the operation of the City's emergency medical services for an additional three years. It will pay for eight paramedics and designates a portion of the \$1.55 million for emergency medical vehicles. The current levy expires the end of 2015.

Issue 13 is a general operating levy designated to supplement revenues raised from other sources including the City's income tax. The 1 mill levy will continue to raise \$920,000. This is not a tax increase. This is a five year levy which has been approved by voters in the past.

Both levies are important for the operation of the City. The \$2.47 million raised by both levies represent 17 percent of the annual budget.

Ford Motor Company announced a commitment to stay in Avon Lake. The short terms plans are to operate the plant with a reduced work force over the next few years. It is estimated that Avon Lake will lose \$900,000 annually due to the reduction in work force. Avon Lake expects to make up the difference through growing revenue of business and cost cutting measures.

NRG petitioned to reduce their real estate tax obligations and will pursue other reductions in public utilities personal property.

Big Trucks held on September 20th was a successful event which was well attended by residents and other communities.

COUNCIL PRESIDENT'S REPORT

September 29th is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for October 6th. In observance of Columbus Day, there will be no Council Meeting on October 13th. The rescheduled regular Council meeting is scheduled for Tuesday, October 14th.

Council will adjourn to Executive Session at the end of the Council meeting and will reconvene in open session at the end of the Executive Session. No votes will be taken during the Executive Session.

PUBLIC WORKS DEPARTMENT REPORT

The Public Works Department weekly update was distributed.

New traffic lights and equipment have arrived for the intersection of Lear Road and Walker Road and installation will begin Wednesday, September 24th.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

FINANCE DIRECTOR'S REPORT

The August financial reports were distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Shondel reported that the Environmental Committee recommended the Mayor enter into a contract with AmeriGas to purchase propane gas and a portable station and to amend the membership number of the Environmental Affairs Advisory Board. A survey was conducted at the Water Fest by the EAAB regarding the "Don't Feed the Wildlife" legislation. The results were: 64% were aware of the legislation, 89% understood it, and 91% agreed with it. A poster contest for grades 1 – 4 through Avon Lake city schools continues through October 3rd.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported that the Human Resources Committee met on September 16th. Legislation on the Fire Department reorganization is on tonight's agenda with the exception of the change in title of lieutenants to captains. That legislation will be presented at the next Council meeting.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported that the Public Service Committee met on September 22, 2014 and discussed the following items: an amendment to the trash contract and a potential vendor for recycling.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported that the Sewer Committee met on September 11, 2014 and discussed the following items: the completion of the Belmar Road project; the Moorewood sewer separation project; a residential complaint regarding the lack of storm sewers on the south side of Lake Road; reports of flooded basements on Forest Hill, Sunset, and Vanda.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. Bucci reported that the Economic Development Committee met on September 17, 2014 and discussed the following item: Towne Center proposed tax abatement.

ZONING BOARD OF APPEALS

Mayor Zilka reported that the next meeting of the Zoning Board of Appeals is September 24, 2014 at 7 p.m. in the Council Chamber.

PARKS & RECREATION COMMISSION

Mr. James reported that the next meeting of the Parks & Recreation Commission is September 24, 2014 at 7 p.m. at the Lake House.

WALKER ROAD AD HOC

Mr. Meiners reported that the Walker Road Ad Hoc Committee met on September 16, 2014 and discussed the following item: the deer management program for Walker Road Park.

MOTIONS

Mr. Kos moved to add a motion to the agenda in compliance with Codified Ordinance Section 220.19(b) and 254.04 to abstain from voting on the motion authorizing the Mayor to enter into an agreement with David Koch for legal services relative to a Workers' Compensation case. Mr. Kos works for the Ohio Attorney General's office and his duties involve Workers' Compensation cases.

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

No: None

Motion carried.

Mr. Meiners moved to add a motion to allow an Executive Session pursuant to ORC 121.22(g)(2) the purchase of property, ORC 121.22(g)(8) economic development assistance, and ORC 121.22(g)(3) litigation.

Mr. Kos moved to abstain from voting on the motion authorizing the Mayor to enter into an agreement with David Koch for legal services relative to a Workers' Compensation case due to a possible conflict of interest.

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

No: None

Motion carried.

Mr. Bucci moved to authorize the Mayor to enter into an agreement with David Koch for legal services relative to a Workers' Compensation case for an amount not to exceed \$15,000. Legal representation is needed on behalf of the City in a Workers' Compensation suit.

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

Abstention: Kos

No: None

Motion carried.

LEGISLATION

Second Readings:

Temporary Legislation #10378, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 33260 Lake Road applied for a submerged land lease to construct a breakwall and pier in Lake Erie. A Resolution of No Interest from the City is required by the Ohio Department of Natural Resources. The request for the submerged land lease went through departmental review and there were no objections to the request.

Temporary Legislation #10381, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, AND TO EXECUTE CONTRACTS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10381. The Public Works Director would like to apply for a grant from the Ohio Public Works Commission (OPWC) for infrastructure improvements at Jaycox and Walker Roads and the Gable Ditch area.

In response to Mrs. Fenderbosch, Public Works Director Reitz stated that at the minimum, the engineering work would need to be completed in 2015.

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

No: None

Motion carried.

Ordinance No. 116-2014 adopted.

First Readings:

Temporary Legislation #10386, A RESOLUTION REFERRING A PROPOSAL TO PLANNING COMMISSION TO AMEND PLANNING & ZONING CODE SECTION 1268.06(d), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10386. The Public Service Committee recommended changes to the Planning & Zoning Code eliminating the application fee to establish historic districts or landmarks.

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

No: None

Motion carried.

Ordinance No. 117-2014 adopted.

Temporary Legislation #10387, AN ORDINANCE ADOPTING A REVISED JOB DESCRIPTION FOR THE POSITION OF FIRE CHIEF IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 130-2011, AND DECLARING AN EMERGENCY, was read by title only.

This revised job description is the first step in the reorganization of the Fire Department.

Temporary Legislation #10388, AN ORDINANCE ESTABLISHING THE POSITION OF ASSISTANT FIRE CHIEF IN THE FIRE DEPARTMENT AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will create the position of Assistant Fire Chief which will provide the Fire Chief with a level of support.

Temporary Legislation #10389, AN ORDINANCE ESTABLISHING THE POSITION OF CAPTAIN IN THE FIRE DEPARTMENT AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish the position of Captain in the Fire Department. The position of Captain will be filled by the current Lieutenants in the Fire Department.

Temporary Legislation #10390, AN ORDINANCE ADOPTING A REVISED JOB DESCRIPTION FOR THE POSITION OF LIEUTENANT IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 131-2011, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will revise the job description for Lieutenant in the Fire Department.

Temporary Legislation #10391, AN ORDINANCE SETTING THE SALARY FOR THE POSITION OF ASSISTANT FIRE CHIEF, AND DECLARING EMERGENCY, was read by title only.

This legislation will set the salary of the Assistant Fire Chief.

Temporary Legislation #10392, AN ORDINANCE ESTABLISHING THE POSITION OF PUBLIC WORKS DIRECTOR AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 141-2013, AND DECLARING AN EMERGENCY, was read by title only.

Due to the merger of the Service and Engineering Departments into the Public Works Department, the job description for Director was revised.

Temporary Legislation #10393, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JOSEPH REITZ TO THE POSITION OF PUBLIC WORKS DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will appoint Mr. Reitz to the position of Public Works Director.

Temporary Legislation #10394, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF DIRECTOR OF FINANCE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 80-2008, was read by title only.

This legislation will revise the job description of Director of Finance to include the additional responsibility as Contract Administrator.

Temporary Legislation #10395, AN ORDINANCE APPROVING WAGE INCREASES FOR FULL-TIME NON-BARGAINING UNIT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

After labor negotiations, union employees received a two percent wage increase. This legislation will provide that same wage increase for full-time non-bargaining personnel retroactive to July 1, 2014.

Temporary Legislation #10396, AN ORDINANCE AWARDING A CONTRACT FOR CATCH BASIN REPAIRS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10396. This legislation will award a contract to Concrete & More of Avon Lake for repairs and the installation of catch basins in the Westwinds Subdivision in the amount of \$19,863.00.

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

No: None

Motion carried.

Ordinance No. 117-2014 adopted.

Temporary Legislation #10397, AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPANE GAS, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize a contract with AmeriGas from Grafton, Ohio to provide a propane gas temporary fueling station, equipment, and supplies. The price of the propane gas will be posted at Mont Belvieu as published in the Wall Street Journal plus a \$1.35 per gallon charge.

Temporary Legislation #10398, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 274.02, ENTITLED MEMBERSHIP; TERMS OF OFFICE;

COMPENSATION, was read by title only.

This legislation will modify the membership of the Environmental Affairs Advisory Board to allow up to 6 members of industry for a combined total of 14 industry and citizen members.

Temporary Legislation #10399, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR FISCAL YEAR 2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10399. The Finance Director determined that certain adjustments are needed to reduce the permanent appropriations.

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

No: None

Motion carried.

Ordinance No. 118-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Flags will be flown at half-staff on Sunday, October 5, 2014 from sunrise to sunset in memory of all firefighters who have died in the line of duty. Anyone interested in receiving Fly the Flag notifications should contact John Shondel at osujohn@mac.com to be added to the list.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(g)(8), Mr. Meiners moved to adjourn to Executive Session to discuss the purchase of property and economic development assistance.

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

No: None

Motion carried.

In compliance with Ohio Revised Code Section 121.22(g)(3), Mr. Meiners moved to adjourn to Executive Session to discuss pending litigation.

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

Adjournment: 8:20 P.M.

RECONVENING OF COUNCIL MEETING

Council reconvened in open session at 9:40 P.M.

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

Mr. Meiners moved for adjournment.

Adjournment: 9:41 P.M.

Approved: _____
Council President

Attest: _____
Acting Clerk of Council