

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 10, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on February 10, 2014 at 7:30 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, 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 January 13, 2014 Regular Council Meeting were approved as amended; the minutes of the January 21, 2014 Special Council Meeting and the January 27, 2014 Regular Council Meeting were approved as prepared and published.

PUBLIC HEARING

A Public Hearing was called to order at 7:33 P.M. upon an application for placement of farmland in an agricultural district. Hollie Anzenberger, guardian of Grace Fettinger, submitted the application for property located at 31770 Krebs Road. Property owners must apply for agricultural designation every five years. The State Legislature established Agricultural Districts to preserve agricultural land, and to exempt land in those districts from the collection of specified utility assessments and to provide other benefits.

Hollie Anzenberger, representing Hollie Hill Farm at 31770 Krebs Road, stated that the property is used for agricultural purposes. This is a family business that has been in operation for 43 years.

The Public Hearing was closed at 8:37 P.M.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Between six and eight inches of snow fell between Tuesday evening and Wednesday morning. Due to high winds and snow squalls the road crews spent most of their time trying to keep the primary and secondary roads open which delayed the cleaning of streets in neighborhoods. Despite the conditions, the crews were able to clean all streets within 27 hours of the beginning of the storm. The City has 90 miles of streets to clear and maintain. There were as many as eleven trucks

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out overnight and the crews worked 16 hour shifts. The City will continue to examine how to clean streets to make the process more efficient. The decision to close schools lies solely with the School Superintendent.

The Ward 2 Town Hall meeting is scheduled for February 12, 2014 at 7:00 P.M. at Learwood School. Residents of Ward 1 are encouraged to attend since the Ward 1 meeting had to be cancelled due to weather. The new trash contract will be among the topics of discussion.

Bulk trash pick-up for Avon Lake residents will take place the second week of the month and will begin in April. The new trash containers will be delivered in March.

The Mayor, City officials, Council President O'Donnell, and Mr. Bucci met with the Governor's economic development agency, "Jobs Ohio". They discussed the NRG power plant, the Ford Plant, and other economic development opportunities in the City.

COUNCIL PRESIDENT'S REPORT

In honor of President's Day, no Council meeting will be held on February 17th. A Work Session will be held on Tuesday, February 18th at 7:30 P.M. with a rescheduled Collective Committee meeting immediately following the Work Session. Susan Poole, Director of Community Resource Services, will give a report at the Work Session.

The next regular Council meeting is scheduled for February 24th.

There is a vacancy on the Environmental Affairs Advisory Board. Interested residents should send a letter of interest and resume to the Clerk of Council at 150 Avon Belden Road, or by e-mail to bdopp@avonlake.org.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

It is not permitted for residents to deposit snow in the streets while clearing their drives or sidewalks.

Residents 65 years of age and older can call the Service Department to have the snow removed from driveway aprons. Crews will handle this after all streets have been cleared.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

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The Environmental Committee is scheduled to meet February 12, 2014 from 6:00 – 6:40 P.M. in the Council Conference Room. The Committee will begin the process of re-drafting the deer management ordinance.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported the Human Resources Committee met on February 3, 2014 and discussed the City's payroll system. The Committee adjourned to Executive Session to discuss union negotiations.

PUBLIC UTILITIES MEETING

A Public Utilities Committee meeting is scheduled for March 6, 2014 at 7:00 P.M. in the Council Conference Room.

The question of natural gas aggregation for Avon Lake customers will appear on the May ballot.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet February 13, 2014 at 6:30 P.M. in the Engineering Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Bucci reported the Economic Development Committee met February 10, 2014 and discussed the Jobs Growth Incentive Program, the formation of a rapid response team to assist the Mayor with economic development, the new City website, the position of business liaison, and the contract with Aislinn Consulting which is assisting the West End Redevelopment Commission.

MOTIONS

Mr. James moved to authorize the advertisement of bids for the Belmar Road Improvement Project. This project is connected to the sewer separation project.

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

No: None

Motion carried.

Mr. James moved to authorize the advertisement of bids for the 2014 Miller Road Park Boat Launch Sand Dredging Project. Sand dredging is performed annually at the boat launch to make it usable for the boating season.

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

No: None

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Motion carried.

Mr. James moved to authorize the advertisement of bids for street tree planting. Developers pay into a fund for street tree planting, and now that the areas are developed, the City will plant trees according to the Street Tree Master Plan.

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

No: None

Motion carried.

Mr. James moved to authorize the Mayor, or his designee, to withdraw a conditional use permit application for a public park at the Safety Center. As the agent for the City, the Avon Lake Lacrosse Club applied for a conditional use permit for a practice field at the Safety Center. Planning Commission approved the application with conditions. Subsequent to the approval, the Lacrosse Club found an alternate location which will be more suitable for a practice field.

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

No: None

Motion carried.

Mr. James moved to authorize the Mayor, or his designee, to sign the zoning permit application for an improvement to public property at Weiss Field. The improvement will allow the Avon Lake Lacrosse Club to use the property for a practice field.

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

No: None

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor license transfer from PGLR Thirsty, Inc. to Alfred Pub, LLC located at 33382 Walker Road. The Police Chief has no objection to the transfer.

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

No: None

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a new liquor license for Lenny's Deli & Restaurant located at 33688 Walker Road. The Police Chief has no objection to the transfer.

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

No: None

Motion carried.

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Mr. Bucci moved to authorize Valerie Rosmarin to attend public records training as the designee for Dan Bucci, Marty O'Donnell, and John Shondel. Elected officials or their designees are required to attend public records training for each term of office.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10271, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE CHANGING THE WAGE RATE OF THE ELECTRICAL SAFETY INSPECTOR, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10271. David Gunsalus was hired as the Electrical Safety Inspector with the contingency that he would receive a \$3000 salary increase upon acquiring two certifications. Mr. Gunsalus has acquired the second license and will receive a \$1500 stipend for the year 2013 and a \$1500 increase effective January 1, 2014 for acquiring the commercial building inspector license.

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

No: None

Motion carried.

Ordinance No. 14-2014 adopted.

Temporary Legislation #10274, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR OUTDOOR SEASONAL SALES AT LEARWOOD SHOPPING CENTER.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10274. This conditional use permit was recommended by Planning Commission with conditions. The parking area will be moved to accommodate display units. Fencing around the display units will not be required since it is the responsibility of the owner to protect their merchandise and decide if they want to install a fence.

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

No: None

Motion carried.

Ordinance 15-2014 adopted.

Second Readings:

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Temporary Legislation #10278, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF FEBRUARY 25, 2014 THROUGH DECEMBER 31, 2014, AND DECLARING AN EMERGENCY, was read by title only.

The City has successfully sold surplus property no longer of use by internet auction. Each year it is required to pass a resolution indicating the internet auction sites that will be used.

Temporary Legislation #10280, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PART-TIME DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT, 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 #10280. The Police Department requested authority to hire a part-time Dispatcher/Records Clerk to add to the pool of dispatchers that can be called when needed. This will not increase the hours worked or the payroll of the Police Department.

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

No: None

Motion carried.

Ordinance No. 16-2014 adopted.

Temporary Legislation #10281R, AN ORDINANCE REPEALING CODIFIED ORDINANCE CHAPTER 1090 AND ADOPTING A NEW CODIFIED ORDINANCE CHAPTER 1090; ENACTING CODIFIED ORDINANCE 668.08; AMENDING CODIFIED ORDINANCE SECTIONS 660.03, 660.04, 660.13, 668.07, 844.01, 844.02, AND 1048.01; GRANTING A FRANCHISE, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James stated it is necessary to update the solid waste ordinances to synchronize them with the new solid waste contract which became effective January 1, 2014. Mayor Zilka asked Mr. James to amend Section 1090.08 to allow the City to finish with the delinquent accounts for the fourth quarter which extends beyond January 1, 2014.

First Readings:

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Temporary Legislation #10282, A RESOLUTION APPROVING THE USE OF SUBMERGED LAND, 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 #10282. A property owner at 32000 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. A resolution of no interest is required by the Ohio Department of Natural Resources. The property owner requested suspension of the rule and emergency passage since a pending sale of the property is contingent upon the breakwall being installed.

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

No: None

Motion carried.

Ordinance No. 17-2014 adopted.

Temporary Legislation #10283, A RESOLUTION APPROVING THE USE OF SUBMERGED LAND, 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 #10283. A property owner at 31992 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. The property owner requested suspension of the rule and emergency passage since this project is being constructed in conjunction with the previous resolution.

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

No: None

Motion carried.

Ordinance No. 18-2014 adopted.

Temporary Legislation #10284, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING AND SURVEYING, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James 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. James moved for passage of Temporary Legislation #10284. Bramhall Engineering will design the turn lanes, traffic light, and railroad improvements at the Lear Road/Krebs Road intersection. As a consequence of the I-90 interchange installed on Lear Road, there is a significant increase in traffic at this intersection.

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

No: None

Motion carried.

Ordinance No. 19-2014 adopted.

Temporary Legislation #10285, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance will authorize a contract with HzW Environmental for monitoring the closed landfill. The contract is for ongoing water monitoring and EPA water quality compliance testing. The contract amount is \$70,100.

Temporary Legislation #10286, A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY HOLLIE ANZENBERGER, GUARDIAN OF GRACE EMILY FETTINGER, TO HAVE CERTAIN LAND OWNED BY HER DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

The required public hearing was held earlier in the meeting.

Temporary Legislation #10287, AN ORDINANCE FIXING A PAY RANGE FOR THE POSITION OF GIS ANALYST IN THE AVON LAKE MUNICIPAL UTILITIES, AND DECLARING AN EMERGENCY, was read by title only.

The position of GIS Analyst was created by a previous ordinance. This ordinance will fix a pay range from \$45,233 to \$65,866. The Municipal Utilities requested passage of the pay range at the second reading since they have begun the hiring process.

Temporary Legislation #10288, AN ORDINANCE ACCEPTING A DONATION OF AN UNDEVELOPED PARCEL OF LAND IN AVON LAKE, was read by title only.

A property owner wishes to donate a small parcel of undeveloped land on Woodruff Avenue to the City of Avon Lake. Due to the location and the land use plan, the owner has no use for the land.

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Temporary Legislation #10289, AN ORDINANCE PROVIDING FOR THE CONTINUED 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: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos
No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10289. The Law Director requested an additional \$25,000 to continue in the defense of this case relative to the skate park.

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

Ordinance No. 20-2014 adopted.

Temporary Legislation #10290, AN ORDINANCE AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE AQUATIC CENTER, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Meiners, Shondel, Bucci, Fenderbosch, James, Kos
No: O'Donnell
Motion carried.

Mr. James moved for passage of Temporary Legislation #10290. This will authorize the purchase of above ground features for the spray ground from Rain Drop Products, Inc. in the amount of \$16,810. The purchase will come from remaining funds from the pool levy. Mr. Meiners asked if a terms policy was negotiated with the vendor to save money as was recommended by the committee. Mr. Reitz stated that he did not know if the Recreation Director contacted the vendor.

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

Ordinance No. 21-2014 adopted.

Temporary Legislation #10291, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (f) (14), ENTITLED POOL FEES, AND DECLARING AN EMERGENCY, was read by title only.

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At the request of the City, the State Auditor looked at the municipal swimming pool operations and made comparisons of Avon Lake's fee structure with other similar communities. As a result, the Auditor recommended that Avon Lake increase its pool fees. The Parks & Recreation Commission recommended an increase of \$1.00 for daily admissions with the exception of those under the age of two years and senior citizens who are not charged daily admission fees. The Public Service Committee voted to recommend the fee increases.

Temporary Legislation #10292, AN ORDINANCE NOMINATING JOSEPH REITZ TO THE NATURAL RESOURCES ASSISTANCE COUNCIL FOR THE GREEN SPACE CONSERVATION PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10292.

Service/Engineering Director Reitz requested an ordinance recommending him for the National Resources Assistance Council through the Ohio Public Works Commission. The Assistance Council reviews the purchase of green space throughout Ohio Public Works District 9, which is a multi-county jurisdiction. Mr. Reitz has served on the committee for the past four years, but his term is expiring.

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

No: None

Motion carried.

Ordinance No. 22-2014 adopted.

Temporary Legislation #10293, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICE AGREEMENT WITH JAMES G. ZUPKA, CPA, INC., 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 #10293. James G. Zupka will prepare the financial audits for the City for the years 2013 through 2017. The cost shall not exceed \$155,000.

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

No: None

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Motion carried.

Ordinance No. 23-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, inquired about the posting of the Historical Preservation Commission meeting. Mr. Kos explained that the meeting is not posted on the City calendar since the Commission will not meet in February. Meetings for the remainder of the year will be posted.

ADJOURNMENT

Mr. Meiners moved for adjournment.

Adjournment: 8:37 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council