

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD FEBRUARY 24, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on February 24, 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; Mayor Zilka; Law Director Abe Lieberman; Service/Engineering Director Joseph Reitz; Finance Director Nancy Bryan; and Clerk of Council Barbara Dopp.

Absent: Mr. Shondel

There being no objections, Mr. Shondel was excused from attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the February 10, 2014 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

Allied Waste will begin delivering the new trash containers this week. It will take several weeks before containers are delivered to the entire City. If residents want Allied to remove their old trash cans, they should mark them accordingly and leave out for pick-up.

Brad Fairfield submitted his resignation as Business Liaison for the City of Avon Lake. He will continue to help on a volunteer basis to pursue a number of projects he has been working on for a number of months. Janine Mackert has been hired as the new Business Liaison. She has a Master's Degree in public administration and has worked for the City of Lorain in the Community Development Department and has experience in grant writing.

The City of Avon Lake has a redesigned website to make it more informative and user friendly.

NRG will begin the process of contacting residents along the proposed pipeline route from Grafton to Avon Lake in order to obtain easements for the natural gas project.

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Overtime costs for the Service Department amount to \$72,226 in 2014 due to the severe weather. Adjustments will have to be made in the budget.

The Ward 4 meeting will be held February 26, 2014 at Troy School. Ward meetings can be viewed on the Avon Lake website.

### **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for March 3, 2014 and the next regular Council meeting is scheduled for March 10, 2014.

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](mailto:bdopp@avonlake.org).

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

On March 4, 2014 a public hearing will be held at the Planning Commission meeting regarding Phases 8 and 9 of Legacy Pointe. These phases will bring a connection from Legacy Pointe to SR 83.

### **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

### **HUMAN RESOURCES COMMITTEE REPORT**

The Human Resources Committee is scheduled to meet March 3, 2014 at 6:15 P.M. in the Council Conference Room.

### **PUBLIC SERVICE COMMITTEE REPORT**

The Public Service Committee met on February 24, 2014 and discussed the following items: revisions to the solid waste ordinances; finalization of the public works department consolidation; approval of the 2014 street program; and a submerged land lease.

### **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the following items discussed at the February 13, 2014 Sewer Committee meeting: an update on the sewer separation lateral project and sump pump program; an update on the Moorewood combined sewer project; an update on reported backups, flooding, and pipe breaks; sewer project financing; and rate increases.

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

## **AVON LAKE COMMUNITY COUNCIL REPORT**

The Avon Lake Community Council will hold its “March Away Hunger” food drive during the month of March. Food can be donated at various locations throughout the City.

The deadline for submitting Project of the Year and Citizen of the Year nominations is March 14, 2014. Applications are available on the Avon Lake website, Avon Lake Hall, or by contacting Mr. O’Donnell at 930-7310.

## **MOTIONS**

Mr. Kos moved to direct 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 Athena’s Restaurant located at 33424 Lake Road. The Police Chief has no objection to the license.

Yes: O’Donnell, Bucci, Fenderbosch, James, Kos, Meiners

No: None

Absent: Shondel

Motion carried.

Mrs. Fenderbosch moved to reappoint William Gross, Holly Kowalski, Rita George, Robert Haas, Mike Sweeney, Ray Nowak, and Amy Nasr to the Environmental Affairs Advisory Board for terms expiring February 28, 2016.

Yes: O’Donnell, Bucci, Fenderbosch, James, Kos, Meiners

No: None

Absent: Shondel

Motion carried.

## **LEGISLATION**

### Third Readings:

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.

Mr. Meiners moved for passage of Temporary Legislation #10278. 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.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 24-2014 adopted.**

Temporary Legislation #10281R2, 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 moved for passage of Temporary Legislation #10281R2. It is necessary to update the solid waste ordinances to synchronize them with the new solid waste contract which became effective January 1, 2014.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 25-2014 adopted.**

Second Readings:

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.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved for passage of Temporary Legislation #10285. 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.

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

No: None

Absent: Shondel

Motion carried.

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**Ordinance No. 26-2014 adopted.**

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.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved for passage of Temporary Legislation #10286. Every five years it is required to file a renewal application to have land designated as being located in an agricultural district to exempt the property from the collection of specified utility assessments and to provide other benefits. The required public hearing was held at a previous Council meeting.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 27-2014 adopted.**

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.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10287. The position of GIS Analyst was created by a previous ordinance. This ordinance will fix a pay range from \$45,233 to \$65,866.

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

No: James

Absent: Shondel

Motion carried.

**Ordinance No. 28-2014 adopted.**

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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.

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.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved for passage of Temporary Legislation #10291. 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.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 29-2014 adopted.**

First Readings:

Temporary Legislation #10294, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH NEW WORLD SYSTEMS, AND DECLARING AN EMERGENCY, was read by title only.

New World Systems will provide new accounting software for the Finance Department. The contract amount is \$178,580.

Temporary Legislation #10295, AN ORDINANCE PROVIDING FOR A TRANSFER OF FUNDS AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10295. The Finance Director determined a transfer of funds is necessary for the immediate expenses of the City.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 30-2014 adopted.**

Temporary Legislation #10296, AN ORDINANCE AUTHORIZING A DONATION TO COMMUNITY RESOURCE SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10296. Every year the City of Avon Lake gives financial assistance to Community Resource Services (CRS) to help Avon Lake residents in need according to the guidelines of CRS. The donation amount is \$14,500. CRS provides the City with quarterly reports on how the funding is used. Mayor Zilka stated that the City has had a program to provide funding for trash bill assistance. This line item has been eliminated from the budget. The Mayor is recommending a further donation to CRS specifically for trash bills for individuals who qualify.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 31-2014 adopted.**

Temporary Legislation #10297, AN ORDINANCE AUTHORIZING A PERSONAL SERVICES AGREEMENT WITH NASH DANIELS ADVISORS LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10297. This agreement stems from the agreement with Aislinn Consulting which is advising the West End Redevelopment Commission on the future of the NRG plant. Nash Daniels will be acting as a sub-contractor of Aislinn and will be paid from the funds budgeted for the Aislinn agreement.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 32-2014 adopted.**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mrs. Fenderbosch warned about a new telephone fraud which shows up as an Avon Lake number on a person's caller I.D.

**PUBLIC INPUT**

Steve Vass, 648 Bridgeside, Avon Lake, commented on the name change of the Avon Lake Municipal Utilities and whether it follows proper procedures according to the Charter.

Chris Quinlan, 73 Community Drive, asked if the new trash contract includes the municipal pool. Mr. Reitz stated that the contract does apply to the pool.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Absent: Shondel

Motion carried.

Adjournment: 8:24 P.M.

Approved: \_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Clerk of Council

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