

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 27, 2014**

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

Mr. Kos 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.

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

MAYOR'S REPORT

Mayor Zilka read the following statement.

I received a call from the government relations representative from Ford this morning and she informed me that Ford would be issuing a press release at approximately 12:30 P.M. today.

I attended a press conference at the United Auto Workers Local 2000 Hall this afternoon and UAW Chairman Tim Rowe announced a solution to the workforce changes at the Ohio Assembly Plant (OHAP) that have been collaboratively worked out with Ford. The plan includes:

- A rotational shift pattern (2 weeks on and 2 weeks off)
- Retirement offers in-zone (Ohio Assembly Plant, Walton Hills and Brook Park)
- Regional Transfers (In-Plant posting, done by seniority, for Brook Park)
- Temporarily Layoffs offered by reverse seniority

The planned rotation schedules will ensure that the majority of OHAP workers will continue to receive 74 to 100% of their pay during the transition period.

The rotations will begin August 4, 2014 and will continue into 2015 when a new product launches at the plant.

A majority of the OHAP trade workers, approximately 220 employees, will not be affected by the plant changes due to existing work, retooling and launch-related activities.

As stated by Ford Motor Company, "Ford remains committed to Ohio Assembly and the plant will continue to play a key role in Ford's Global Manufacturing Strategy." This is good news for Ford, Ford's employees and Northeast Ohio. The financial implications cannot be determined at this time but the city should realize a loss in revenue in 2014 and during the first quarter of 2015 based on the fact that unemployment and supplemental checks will not be taxed in the community in which the worker is employed but at the worker's home city.

Mayor Zilka made the following announcements.

Columbia Gas asked residents to lower their thermostats a couple degrees and refrain from using gas appliances between 5:00 A.M. and 10:00 A.M. during this difficult cold period to conserve natural gas. There is concern with the pressure of gas throughout northeast Ohio.

The Old Firehouse Community Center will be closed on January 28th due to weather conditions.

The safety forces and the administration have reviewed the natural disaster plan in case of weather related emergencies.

Road crews have been working to keep the streets clear of snow and ice. Crews are permitted to work up to 16 straight hours. A few mailboxes have been destroyed by the snow plows which will be replaced by the Service Department.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for February 3, 2014 and the next regular Council meeting is scheduled for February 10, 2014. A budget meeting is scheduled for February 1, 2014 at 8:00 A.M. in the Engineering Conference Room.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

This winter season the City has used 4300 tons of salt on the roads. There were 1300 tons left over from last year which were used by December 12, 2013. Nearly 700 tons of salt were used over the past weekend. Last year less than 4000 tons of salt were used for the entire year. Crews worked from 1:00 A.M. on Saturday through Sunday evening.

The salt barn has not been completed and the contracted completion date has expired. The Law Director is looking at the contract penalty clauses and damages for non-completion.

A special deicer is used at the walkways to the dog park that is not harmful to pets.

Snow plow contractors are not permitted to deposit snow on sidewalks, tree lawns, or streets. Residents should report the contractor to the Service/Engineering Director.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee meeting scheduled for January 29, 2014 has been cancelled.

HUMAN RESOURCES COMMITTEE REPORT

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

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported the following items were discussed at the January 2, 2014 Public Service Committee meeting: pool operations; the recreation grant policy; Belmar Road improvements; boat launch sand dredging; monitoring of the closed landfill; Lear Road/Krebs Road intersection improvements; street tree planting; and a proposed lacrosse field.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the January 15, 2014 Safety Committee meeting: safety concerns in Legacy Pointe; a computer software contract for the Police Department; the ladder truck repair update; the Fire Department vehicle replacement schedule; and parking on City streets.

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

The Economic Development Committee is scheduled to meet February 10, 2014 at 6:15 P.M. in the Council Conference Room.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the January 22, 2014 Zoning Board of Appeals meeting.

WEST END REDEVELOPMENT COMMISSION

Mr. Bucci reported the West End Redevelopment Commission held a meeting January 22, 2014. Presentations were given on the history and present use of the NRG property.

The next meeting of the Commission is scheduled for February 12, 2014.

AVON LAKE COMMUNITY COUNCIL REPORT

Applications to nominate the Project of the Year and the Citizen of the Year are available at City Hall, the Avon Lake Public Library, and on the Avon Lake website.

AVON LAKE HISTORICAL PRESERVATION COMMISSION REPORT

The Commission is scheduled to meet January 29, 2014 at 7:00 P.M. at the Avon Lake Public Library.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Mayor Zilka reported on the January 23, 2014 meeting of the Economic Development Advisory Board. Ed Weston, an expert on wind turbines, was the guest speaker. The second Business Expo is scheduled for April 24, 2014 at the American Legion Post 211.

MOTIONS

Mr. Kos moved to authorize a service agreement with TAC Computers for an amount not to exceed \$11,614.80. The service agreement is for computer software support and upgrades for the Police Department.

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

No: None

Absent: Shondel

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10262, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER XIII, SECTION 67 OF THE MUNICIPAL CHARTER TO PROVIDE FOR A TEMPORARY REPLACEMENT FOR OFFICIALS HOLDING ELECTIVE OFFICE CALLED INTO ACTIVE MILITARY SERVICE, AND DECLARING AN EMERGENCY, was read by title only.

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Mr. Bucci moved for passage of Temporary Legislation #10262. The amendment was recommended by the Charter Review Commission. It will clarify the process of replacing an elected official called to active military duty.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 6-2014 adopted.

Temporary Legislation #10263, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER IV, SECTION 20 OF THE MUNICIPAL CHARTER TO CHANGE THE DEADLINE FOR ADJUSTING THE SALARY OF THE MAYOR, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10263. The Charter Review Commission recommended this amendment to establish a new deadline for adjusting the Mayor's salary. This amendment will allow all residents considering running for the office of Mayor to know what the salary will be before filing their petitions. The salary will be fixed for the course of the term.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 7-2014 adopted.

Temporary Legislation #10264, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER V, SECTION 24 OF THE MUNICIPAL CHARTER TO CHANGE THE QUALIFICATIONS FOR THE DIRECTOR OF FINANCE, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10264. This amendment was recommended by the Charter Review Commission to establish qualifications for the Finance Director. Currently the Charter only requires the Finance Director to be a resident of Avon Lake. Residence requirements have been determined to be unconstitutional by the Ohio Supreme Court. The current Finance Director will be exempt from the requirements if the voters approve the amendment.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 8-2014 adopted.

Temporary Legislation #10265, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO CHAPTER II, SECTION 9A OF THE MUNICIPAL CHARTER TO CHANGE THE DEADLINE FOR FILING WITH THE BOARD OF ELECTIONS ORDINANCES AND RESOLUTIONS COUNCIL DESIRES TO REFER TO THE ELECTORS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10265. This amendment was recommended by the Charter Review Commission to be consistent with the requirements of the Board of Elections for filing deadlines.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 9-2014 adopted.

Temporary Legislation #10268, AN ORDINANCE AMENDING ORDINANCE NO. 13-2013, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10268. This ordinance deals with the use of propane fuel as a cost saving measure. Propane fuel costs less than gasoline; even though the price of propane has gone up it is still less than gasoline. Mrs. Fenderbosch referred to www.clevelandgasprices.com. She referred to e-mails from the main suppliers of propane stating that they have plenty of propane, but there is a temporary bump in price. The proposed ordinance will remove the name of the City of Sheffield Lake from the ordinance and will authorize the Mayor to sign the zero loan application for a propane fuel program. The vehicles converted to propane will have a manual switch than can change the fuel supply from propane to gasoline and vice versa.

Mr. Kos stated that he is not opposed to saving money or to alternative fuels. He voted for the original ordinance, but since then he has looked at it further and has some concerns. He said he wishes this item would be on the agenda after the completion of a pilot program with one of the Ford Interceptors which are the majority of the vehicles that will be converted to propane. Mr. Kos stated there is concern within the Police Department about performance and spacing in the vehicles. Without a pilot program and the fact that safety vehicles are being used, Mr. Kos stated that he cannot support the legislation. He further stated that his vote does not mean the program is without merit; it may be successful. The ordinance before Council authorizes the Mayor to sign the loan application. If the ordinance passes, Mr. Kos asked the Mayor to work with the entities involved and establish a pilot program and have the loan kick in at the conclusion of the pilot program. Certain concerns should be resolved before committing to the loan.

Mrs. Fenderbosch stated there is no obligation to continue with the program once the loan is paid off. The loan will be paid off through fuel savings before the first

payment is due. The first two years of the loan are for installation, the third year is a “freebie” year, and the fourth year would be the first year to pay off the ten year loan. The pool of vehicles is up to 15 including two F 250 pickup trucks from the Service Department, two F 250’s from the Fire Department; a 2015 Ford Interceptor from the Police Department; and a 2014 Ford F 250 and a 2014 F 350 from the Municipal Utilities; and two vehicles are being considered by the Avon Lake Schools.

Mr. Meiners agreed with Mr. Kos and stated that it speaks volumes that the directors of the departments that will be using the vehicles are not present to support the program. As Chair of the Finance Committee, Mr. Meiners stated that he works almost daily with the Finance Director and Mayor to find ways to save money. Mr. Meiners further stated that he would like to see a pilot program of one or two vehicles and that he would like to hear from anyone in the State of Ohio supporting a propane program. Mr. Meiners stated he does not like to be on the leading edge of something with so much change. He further stated that the loan must be paid back and if you look at the program, some of the vehicles have to be driven over 50,000 – 70,000 miles for the savings to kick in. Normally, police vehicles are traded at half those miles. So the City will never incur the necessary miles to see the savings.

Mrs. Fenderbosch stated that information has been given on numerous occasions showing the vehicles do not have to have the mileage mentioned by Mr. Meiners before savings kicks in. The very first gallon used will be less than a gallon of gasoline so there will be immediate savings. The City can stretch the savings over the ten year loan, but the savings will be so great that the loan will be paid back before the first payment is due. There are multiple counties in Ohio that have already converted their police vehicles, taxis, and school buses. In Cuyahoga County, RTA is converting to propane. Franklin County has school buses being converted to propane. The State Highway Patrol is converting to CNG and propane. The Governor’s office is considering converting State vehicles to propane.

Mr. Kos stated that his concern is not about being able to flip the switch between propane and gasoline. His concern is the spacing issue for the propane tank inside the police vehicles. Police vehicles are the command modules for each officer with their own computers and software. It is their first line of defense and there is concern about the spacing inside the vehicle. If there would be an Interceptor with the tank installed so the officers could test it and still conduct their daily operations that would ease 90% of the concerns. Mr. Kos stated that his concern is not necessarily the financial aspect which is important, but the safety aspect which is more important. He further stated that the City is committing to a loan for a period of time and a number of vehicles. He said he would support a scaled back version.

Mayor Zilka made the following comments. A new Tahoe was recently purchased and he will consult with Chief Streator to see if there is sufficient capacity to accommodate the propane tank. This could be considered as the pilot program or test module for the project. The ordinance authorizing the loan was already approved by Council; this ordinance is just amending it by removing the name of the City of Sheffield Lake. If the amended ordinance is approved, the Mayor will be

authorized to make a decision about the viability of the program. The increased price of propane is a concern, but the City must look at the long term effects. If the propane program doesn't work out, the City can revert back to a gasoline program.

Mr. O'Donnell stated that this has been a long process with a lot of time and effort by Mrs. Fenderbosch. He further stated that at the last propane meeting he attended with Mrs. Fenderbosch, the Mayor, the Service/Engineering Director, the Chief Utilities Executive, the Fire Chief, the Police Chief, and Assistant Police Chief there were some concerns noted, but there weren't any safety concerns mentioned. Those in attendance at the meeting all agreed they would begin the process of converting vehicles to propane.

Mrs. Fenderbosch stated that the Tahoe is the number one vehicle for police departments across the United States. There are many outfitters to convert the vehicles to propane and there is more than one location where the propane tank can be placed in the vehicle.

Mr. Meiners reiterated that not one department head is in attendance at the meeting to express support for the propane program.

Mr. Bucci stated that this program has already been approved by Council and the ordinance before Council simply removes the City of Sheffield Lake from the program. This could be the reason why department heads are not present to express support for the program.

Yes: O'Donnell, Bucci, Fenderbosch, James

No: Kos, Meiners

Absent: Shondel

Motion carried.

Ordinance No. 10-2014 adopted.

Second 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.

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.

Temporary Legislation #10272, AN ORDINANCE ESTABLISHING 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: Kos, Meiners, O'Donnell, Bucci, Fenderbosch

No: James

Absent: Shondel

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10272. Avon Lake Municipal Utilities (ALMU) wishes to create a new position for a GIS Analyst. The new position will benefit both ALMU and the Service/Engineering Department with a GIS mapping system to create a master file of any improvements within the City.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 11-2014 adopted.

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

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.

First Readings:

Temporary Legislation #10277, AN ORDINANCE ALLOCATING 5% OF MUNICIPAL INCOME TAX FUNDS COLLECTED TO FUND 301, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: James

Absent: Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10277.

In December of 2013 Council voted to amend the Municipal Income Tax Ordinance to change the allocation of funds. Five percent of income tax revenue collected was previously allocated to the Sewer System Construction Fund. The amendment changed that fund allocation and allows 5% to be allocated to the General Bond

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Retirement (Unvoted) Fund and/or Income Tax Capital Improvement Fund in such portions as Council may determine in lieu of the Avon Lake Municipal Utilities Fund. The Finance Committee voted to allocate 5% to Fund 301, the General Bond Retirement (Unvoted) Fund. The Finance Committee, Finance Director, and the Mayor recommend allocating the 5% to Fund 301 for debt reduction.

Mrs. Fenderbosch pointed out that, according to the ordinance, the 5% will remain in the fund until further Council action, which means the funds could be moved to another fund as Council deems necessary

Mr. James stated that he supported the original ordinance that allocated 5% of municipal income tax revenue to funds other than the sewer system construction fund and he continues to support it. He further stated that he will not support the ordinance before Council to allocate the 5% to Fund 301 since there are implications and subtle policy decisions that need further discussion to consider the inferential ramifications.

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

No: James

Absent: Shondel

Motion carried.

Ordinance No. 12-2014 adopted.

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 #10279, AN ORDINANCE PROVIDING FOR TRANSFERS, ADVANCES, ADJUSTMENTS TO PERMANENT APPROPRIATIONS AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10279. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

No: None

Absent: Shondel

Motion carried.

Ordinance No. 13-2014 adopted.

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.

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.

Temporary Legislation #10281, 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, 844.01, 844.02, AND 844.01; 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

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Reitz advised residents on procedures for residential frozen pipes during cold weather. A space heater can be used to gradually to raise the temperature. Direct heat should not be used to avoid fracture of pipes.

Mr. Bucci referred to the recent problems with ice on the Municipal Utilities pipes which caused a potential water shortage. Mr. Bucci commended them for successfully implementing a secondary system to ensure Avon Lake residents had enough water as well as the customers outside Avon Lake. Mr. Bucci stated that he was frustrated and concerned that the Municipal Utilities did not send a representative to address Council and the residents as was requested to explain what happened and what they can do to avoid the situation in the future. The Municipal Utilities Board did address the situation at their meeting which is on the Avon Lake website, but it would have been helpful to Council and the administration to have a representative at a Council meeting.

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Mayor Zilka stated that after the water situation he met with Todd Danielson, Chief Utilities Executive, and the safety forces. There was constructive discussion on how the situation unfolded and what can be learned to better respond in the future. The Mayor stated that he and Mr. Danielson are looking at it as a learning experience. They agreed to meet on April 16th to reevaluate the situation. Mayor Zilka acknowledged the Municipal Utilities for getting everyone back on line. He further stated that Council can expect to see a representative from the Utilities in April to explain the situation.

Mr. O'Donnell stated that he hopes the Utilities will give a presentation at a Council meeting. He understands that it is important for them to identify the problems and solutions and it is important for the residents to understand what occurred and the remedies.

Mrs. Fenderbosch stated that it was frustrating for Council members because they did not receive any direct communication from the Municipal Utilities so they could keep their constituents informed and address their concerns.

Mr. Meiners agreed with Mr. Bucci, Mr. O'Donnell, and Mrs. Fenderbosch. He further stated that when such an emergency occurs, the Fire Chief is in charge for the total operation of the City. Mr. Meiners asked the Mayor to arrange for a presentation by the Fire Chief to explain what they did during the potential water shortage. The Fire Department arranged for water to be transported to Avon Lake from various cities in case a fire occurred.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, announced that the Mighty Goliath Players will present the play, "Once Upon a Mattress" at the Avon Lake High School.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

Adjournment: 8:53 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council

