

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD JUNE 9, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on June 9, 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 President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Director of Finance Steve Presley; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the May 27, 2014 Regular Council Meeting were approved as prepared and published.

**APPOINTMENT OF POLICE OFFICERS**

Temporary Legislation #10354, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JUSTIN LUDWIG TO THE POSITION OF POLICE OFFICER 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: Shondel, Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell  
No: None  
Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10354. Mr. Ludwig has passed all Civil Service testing and will fill a vacancy in the Police Department. He was the top candidate of the six candidates considered. Mr. Ludwig has five years' experience with the City of Maple Heights.

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

**Ordinance No. 76-2014 adopted.**

Temporary Legislation #10355, AN ORDINANCE CONFIRMING THE APPOINTMENT OF ROBERT WALBORN TO THE POSITION OF POLICE

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10355. Mr. Walborn passed all Civil Service testing and will fill a vacancy in the Police Department. He is one of the top six candidates considered for the position. Mr. Walborn was a park ranger for the Delaware County Park System.

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

No: None

Motion carried.

**Ordinance No. 77-2014 adopted.**

## **ADMINISTRATION OF THE OATHS OF OFFICE**

Law Director Lieberman administered the oaths of office to Mr. Ludwig and Mr. Walborn.

## **PROCLAMATION**

Mayor Zilka read a proclamation honoring Eileen Donahue for her dedicated work on the Economic Development Advisory Board and for establishing and organizing the Business Expos.

## **CORRESPONDENCE**

Janine Mackert submitted her letter of resignation from the position of Business Liaison effective June 20, 2014.

## **MAYOR'S REPORT**

A Drug Forum is scheduled for June 10, 2014 at the Avon Lake Public Library. The speakers will focus on the ties of drug abuse to depression and bullying.

The Walker Road/Lear Road Sewer Project will require work being performed at night. The intersection will be closed the nights of June 24<sup>th</sup> and June 25<sup>th</sup> from 10:00 P.M. to 7:00 A.M. The paving portion of the project should be completed by July 3<sup>rd</sup>.

The Small Business Administration has funds available for residents and small businesses affected by the heavy rainfall and flooding that occurred on May 12<sup>th</sup> and May 13<sup>th</sup>. Funds are available in the form of low interest disaster loans. Loans are available up to \$200,000 to homeowners to repair or replace damaged real estate. Homeowners and renters are eligible for loans up to \$40,000 to repair or replace damaged or destroyed personal property. A loan outreach center has been set up at 320 N. Gateway Boulevard, in Elyria from June 10<sup>th</sup> until June 19<sup>th</sup>.

The Mayor and the Public Works Director are scheduled to meet with Dave Kidder of Republic Services to discuss the implementation of the trash program. There are still issues that need to be resolved.

Mayor Zilka and Avon Mayor Jensen have agreed to set Trick or Treat Day on Thursday, October 30<sup>th</sup>. Holding Trick or Treat on a Friday has been problematic since it is a high school football night.

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

The next Collective Committee meeting is scheduled for June 16<sup>th</sup>. A special Council meeting will be held immediately following the Collective Committee meeting. The purpose of the special meeting is to consider the third reading of legislation regarding the funding of the Moorewood Sewer Separation Project. The next regular Council meeting is scheduled for June 23<sup>rd</sup>. The May 6<sup>th</sup> election was certified by the Board of Elections on May 22<sup>nd</sup>.

### **PUBLIC WORKS DEPARTMENT REPORT**

Notices were sent to all businesses in the Learwood Square Shopping Center as well as all residents within 300 feet notifying them of the Lear/Walker intersection closing. The closing will be done during nighttime hours to cause the least amount of disruption.

Mr. Reitz will have a preconstruction meeting with the contractor on June 11<sup>th</sup> regarding the paving of Belmar Boulevard and the project schedule.

Residents are prohibited by City ordinances from dumping leaves or garbage in the creeks and ditches, which blocks the natural flow of water and causes erosion.

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

The litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee is scheduled to meet June 11, 2014 at 6:00 P.M. in the Council Conference Room. Pending deer management legislation and the propane program will be considered .

### **FINANCE COMMITTEE REPORT**

The Finance Committee met on June 9, 2014 to consider the tax budget for the year 2015.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the June 2, 2014 meeting of the Human Resources Committee. Topics of discussion included the hiring of two police officers, a promotion in the ALCTV studio, and a salary adjustment for the Fire Chief.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported the Public Utilities Committee met June 5, 2014 and discussed the natural gas aggregation program; public hearings will be held June 23, 2014 and July 14, 2014. Other items of discussion included HOA rules and maintenance of utility boxes.

### **SEWER COMMITTEE REPORT**

The Sewer Committee is scheduled to meet June 12, 2014 at 6:30 P.M. in the Engineering Conference Room.

### **PLANNING COMMISSION REPORT**

Mrs. Fenderbosch reported Planning Commission met June 4, 2014. A request for a conditional use for a skilled gaming club was denied.

### **ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the results of the May 29, 2014 meeting of the Zoning Board of Appeals.

### **MOTIONS**

Mr. James moved to remove the motion from the agenda authorizing the preliminary engineering review by Norfolk and Southern Railway Company for the Lear Road/Krebs Road Intersection Project. In order to remain consistent with the Procurement Policy it is more appropriate to approve this expenditure by ordinance.

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

No: None

Motion carried.

Mr. James moved to direct the Finance Director to issue a refund in the amount of \$175 to the Avon Lake Landmark Preservation Society for Planning Commission fees. The organization applied to Planning Commission for historical designation of the Folger Home. Since the structure is owned by the City of Avon, the Public Service Committee determined it would be appropriate to refund the fee.

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

No: None

Motion carried.

Mr. James moved to confirm the appointment by the Mayor of Steven Luca to the Parks & Recreation Commission for a term expiring December 31, 2016. Mr. Luca will fill the Ward II vacancy on the Commission. Mayor Zilka reviewed Mr. Luca's resume.

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

No: None

Motion carried.

Mr. Kos moved to authorize the outfitting of a Fire Department vehicle in the amount of \$5,353.48. The 2014 Ford Escape will be outfitted with striping, lettering, and lights to make it a Fire Department service vehicle.

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

No: None

Motion carried.

Mr. Bucci moved to accept the concept of the restructuring plan of the Fire Department presented by Chief Huerner. At the June 2, 2014 Work Session, Chief Huerner presented his concept of restructuring the leadership of the Avon Lake Fire Department. The leadership structure of the Department has not changed for 50 years and no longer works for the present demands on the department. The proposed structure will allow the department to run more efficiently.

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

No: None

Motion carried.

Mr. Bucci moved to accept the resignation of Janine Mackert from the position of Business Liaison effective June 20, 2014. Mrs. Mackert has chosen to resign due to changes in the Ohio Public Retirement System.

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

No: None

Motion carried.

## **LEGISLATION**

Mr. James moved to add Temporary Legislation #10361 to the agenda authorizing a payment to Norfolk and Southern Railway Company for design review.

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

No: None

Motion carried.

### Third Readings:

Temporary Legislation #10330, AN ORDINANCE AUTHORIZING ENTERING INTO A NATURAL GAS PROGRAM AGREEMENT WITH NORTHEAST OHIO PUBLIC ENERGY COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10330. With passage of Issue 16, a resolution authorizing a natural gas aggregation program is required in order for NOPEC to move forward with the operating agreement. After two public hearings, Council will consider an ordinance to adopt the operating agreement with NOPEC for the natural gas aggregation program. Once the program is in place, customers will receive an opt-out letter that will require them to either opt-out of the aggregation program or become part of the program.

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

No: None

Motion carried.

**Ordinance No. 78-2014 adopted.**

Temporary Legislation #10334, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208 (e) OF THE GENERAL FEE SCHEDULE, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10334. The Parks & Recreation Commission recommended modifications to the Special Events Permit Application. The current application is very cumbersome and the modifications will streamline the process and make it more efficient for individuals seeking a permit. The modification to the application will necessitate changes to the fee schedule.

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

No: None

Motion carried.

**Ordinance No. 79-2014 adopted.**

### Second Readings:

Temporary Legislation #10340, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,600,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING STORM SEWERS, CATCH BASINS, AND RELATED DRAINAGE FACILITIES AS PART OF THE MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

This financing will cover the City's portion of the project which will be under the direction of the Public Works Director in conjunction with the Avon Lake Municipal Utilities. The contracts have been approved by the Board of Municipal Utilities. Once the financing is complete, the project should begin by the middle of July. It will take approximately two years to complete the project which affects over 300 homes.

Temporary Legislation #10341, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,000,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE SANITARY SEWER SYSTEM BY CONSTRUCTING AND RECONSTRUCTING SANITARY SEWERS AND RELATED SANITARY FACILITIES, WATER MAINS AND RELATED WATER SUPPLY FACILITIES, AND STORM SEWERS AND RELATED DRAINAGE FACILITIES TO PROVIDE FOR THE SEPARATION OF EXISTING STORM SEWERS FROM SANITARY SEWERS AND CONTROL AND LIMIT THE VOLUME OF STORM WATER ENTERING OR OTHERWISE AFFECTING THE SANITARY SEWER SYSTEM AS PART OF THE MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

This financing will cover the Utilities portion of the project.

Temporary Legislation #10343, A RESOLUTION RENEWING RESOLUTION NO. 132-94 ESTABLISHING AND DESCRIBING THE COMMUNITY REINVESTMENT AREA AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance designates the entire City of Avon Lake as the community reinvestment area.

Temporary Legislation #10344, AN ORDINANCE REVOKING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF AVON LAKE AND CHEMTRON CORPORATION/GUENTHER REAL ESTATE LLC, AND DECLARING AN EMERGENCY, was read by title only.

In 2007 the City of Avon Lake entered into a Community Reinvestment Area Agreement with Chemtron. Chemtron's business plans have changed and they no longer wish to pursue the tax abatement agreement.

Temporary Legislation #10345, AN ORDINANCE REVOKING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF AVON LAKE AND NATIONAL FLEET SERVICES OF OHIO, LLC, AND DECLARING AN EMERGENCY, was read by title only.

In 2008 the City of Avon Lake entered into a Community Reinvestment Area Agreement with National Fleet Services of Ohio LLC. The company's business plans have changed and they no longer wish to pursue the tax abatement agreement.

Temporary Legislation #10347, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY POINTE PHASE 8, was read by title only.

This phase consists of 18 single family homes connecting to the existing English Turn and creates the new street Turnberry Court.

Temporary Legislation #10348, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR WATERSIDE CROSSING NORTH, PHASE 2, was read by title only.

This phase creates the new private street Brookcrest Place, east off the turn around, north off Walker Road, and south off Canterbury Road, and creates 31 single family lots.

First Readings:

Temporary Legislation #10356, AN ORDINANCE CONFIRMING THE APPOINTMENT OF STEPHANIE BIGGERS AS SENIOR PRODUCTION ASSISTANT FOR THE CITY OF AVON LAKE, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

The Cable Studio Manager recommended promoting Ms. Biggers to the position of Senior Production Assistant in the cable studio.

Temporary Legislation #10357, AN ORDINANCE APPROVING A SALARY ADJUSTMENT FOR CHRISTOPHER HUERNER, FIRE CHIEF, AND DECLARING AN EMERGENCY, was read by title only.

The Mayor recommended adjusting the salary of the Fire Chief to \$96,920 to make is equal to that of the Police Chief. The increase amounts to \$1629.95. Mr. Kos stated that the ordinance does not have to be an emergency since the salary will be retroactive to January 1, 2014.

Temporary Legislation #10358, AN ORDINANCE AUTHORIZING THE PURCHASE OF TURN OUT GEAR FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Fire Chief recommended the purchase of nine sets of turn out gear in the amount of \$2714 each. It was decided that replacement of all turn out gear would be spaced over two years; ten more sets will be purchased next year. The new turn out gear will bring the equipment up to the national standard.

Temporary Legislation #10359, AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PART OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED ORDINANCES, AND DECLARING AN EMERGENCY, was read by title only.

American Legal Publishing has completed the updating of the codified ordinances, and this ordinance will accept and adopt the revisions.

Temporary Legislation #10360, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2015, AND DECLARING AN EMERGENCY, was read by title only.

This is the first step in preparing the budget for the year 2015.

Temporary Legislation #10361, AN ORDINANCE AUTHORIZING PAYMENT TO NORFOLK AND SOUTHERN RAILWAY COMPANY FOR DESIGN REVIEW, AND DECLARING AN EMERGENCY, was read by title only.

As part of the Krebs Road/Lear Road Intersection Project, new traffic lights will be installed and it is necessary to coordinate the lights with the railroad. Norfolk and Southern has submitted an estimate of \$15,389 to review the engineering project design.

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Before performing any landscape digging, residents should call 811 to have the location of the utility lines and pipes marked.

On June 14<sup>th</sup> at noon, American Legion Post 211 will conduct a military retreat honoring Councilwoman Fenderbosch for her work on the Memorial Day parade. The 239<sup>th</sup> birthday of the U.S. Army and Flag Day will also be celebrated. Flag Day is the day Post 211 properly disposes of worn, tattered, and faded U.S. flags.

The Avon Lake Public Library is conducting the Story Book Trail program at the Kopf Reservation.

**PUBLIC INPUT**

Daniel Konyk, 75 Landing Way, Avon Lake, read a petition to allow Avon Lake residents to peacefully enjoy Veterans Memorial Park beyond 11:00 P.M.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:38 P.M.

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

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