

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

The regular meeting of the Avon Lake Municipal Council was called to order on November 24, 2014 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

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

**APPROVAL OF THE MINUTES**

The minutes of the November 10, 2014 Council meeting were approved as amended.

**PUBLIC HEARINGS**

A Public Hearing was called to order at 7:33 P.M. upon an amendment to Planning & Zoning Code Section 1268.03 (a) changing the number of members on the Historical Preservation Commission. The Historical Preservation Commission recommended reducing the number of members from seven members to five members, three of which would be Council appointments and two of which would be Mayoral appointments.

The Avon Lake Historical Preservation Commission also recommended an amendment to Planning & Zoning Code Section 1268.06 (d), waiving the Planning Commission agenda fee for historical landmark designation. This will be more efficient since most of the applications have been for City owned property and the City would be paying itself. The waiving of the fee was also recommended because individuals have been reluctant to bring an application forward because of the fee.

The Public Hearings were closed at 7:37 P.M.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

The Mayor attended the ribbon cutting ceremony for Story Point Memory Unit, an addition to the facility formerly known as Independence Village. The new facility is a 48 bed unit comprised of one and two bedroom apartments with common areas and

an enclosed courtyard. The facility will employ 30 additional workers bringing the total number of employees to 180.

“Small Business Saturday” is November 29<sup>th</sup> and residents are encouraged to support small local businesses.

### **COUNCIL PRESIDENT’S REPORT**

The next Collective Committee Meeting is scheduled for December 1<sup>st</sup> and the next regular Council Meeting is scheduled for December 8<sup>th</sup>.

A Budget Meeting will be held on Saturday, December 6<sup>th</sup> at 8:00 A.M. in the Public Works Conference Room.

### **LAW DEPARTMENT REPORT**

The Law Department update was distributed.

### **PUBLIC WORKS DEPARTMENT REPORT**

Leaf pick-up has resumed after being interrupted by snowfall; five trucks are being used.

Republic Services sent trucks out to pick-up garbage cans that blew over during high winds.

### **FINANCE DIRECTOR’S REPORT**

Mr. Presley and the Mayor met with the City’s health care consultant regarding the 2015 health care renewal. The overall increase for 2015 health and prescription coverage is up by approximately 12.5%. Dental coverage is up 1%, and vision coverage is down by 9.1%. The health care coverage costs for employees will increase by \$169,358 for 2015. The employee contribution has increased to 10% of the premium cost.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee is scheduled to meet December 10, 2014 at 6:00 P.M. in the Council Conference Room.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on the results of the November 24, 2014 Finance Committee meeting.

### **HUMAN RESOURCES COMMITTEE**

The Human Resources Committee is scheduled to meet December 1, 2014 at 6:15 P.M.

## **PUBLIC UTILITIES COMMITTEE REPORT**

First Energy has a planned power outage scheduled for November 25, 2014 in order to trim trees on Beck Avenue. It will affect residences from 161 Beck to 225 Beck and 32325 Electric Boulevard. First Energy notifies customers of outages by phone contact only. Residents are encouraged to check with First Energy to verify their correct phone numbers. First Energy has an app available that will allow customers to receive automated messages to stay informed on restoration updates, expected outages, severe weather alerts, billing, and meter reading schedules. Any families with special needs who would be drastically affected by a power outage should alert all utility providers and the City.

Emergency weather alerts are available by registering for Code Red on the Avon Lake website.

The Public Utilities Committee will meet December 18, 2014.

## **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the results of the November 19, 2014 Sewer Committee meeting.

## **LEGISLATION**

### **Second Readings:**

Temporary Legislation #10401, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1268.03 (a), was read by title only.

This item was first recommended to Planning Commission by Council. Planning Commission approved the recommendation to reduce the composition of the Avon Lake Historical Preservation Commission from seven to five members, three members who will be appointed by Council and two members who will be appointed by the Mayor. The required Public Hearing was held at the beginning of the Council meeting.

Temporary Legislation #10402, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1268.06 (d), was read by title only.

This item was first recommended to Planning Commission by Council. Planning Commission approved the recommendation to waive the Planning Commission

agenda fee for applications for historic designation. The required public hearing was held at the beginning of the Council meeting.

Temporary Legislation #10411, AN ORDINANCE AUTHORIZING AN ADDITIONAL PAYMENT TO NORFOLK AND SOUTHERN RAILWAY COMPANY FOR DESIGN REVIEW, 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

No: None

Absent: Kos

Motion carried.

Mr. James moved for passage of Temporary Legislation #10411. The Public Works Director received updated force account information from Norfolk and Southern for review of the Lear/Krebs Road railroad signalization project. Norfolk and Southern requested an additional \$10,000.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 144-2014 adopted.**

Temporary Legislation #10413, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO FORD UTILITY INTERCEPTORS FOR THE POLICE DEPARTMENT, 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

No: None

Absent: Kos

Motion carried.

Mr. James moved for passage of Temporary Legislation #10413. The Police Chief recommended the purchase of two 2015 Ford Utility Police Interceptors for a total amount of \$52,224 through the State Purchasing Program. The vehicles will be purchased from Lebanon Ford.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 145-2014 adopted.**

Temporary Legislation #10414, 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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10414. Chief Streater has requested authority to hire Kaylie Weinhardt as a part-time Dispatcher to expand the pool of part-time Dispatchers to be called when needed.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 146-2014 adopted.**

Temporary Legislation #10417, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.08, ENTITLED HEALTH INSURANCE, AND DECLARING AN EMERGENCY, was read by title only.

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

Mr. Bucci explained that he moved for suspension of the rule requiring three readings to allow the Payroll Clerk to process the payroll in a timely manner. Finance Director Presley explained that the fixed dollar amount will be eliminated from the Codified Ordinance and will be replaced with a percentage of the premium for which employees will be responsible.

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10417. As a result of collective bargaining unit negotiations, the employee contribution for health care coverage will increase to 10% of the cost of the premium. This will also apply to non-bargaining unit employees.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 147-2014 adopted.**

Temporary Legislation #10418, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICE AGREEMENT WITH JAMES G. ZUPKA, C.P.A., INC., AND DECLARING AN EMERGENCY, was read by title only.

The Finance Director recommended hiring James G. Zupka, C.P.A. for the GAAP and CAFR audits for the years 2014 through 2016. James G. Zupka has worked well for the City in previous years.

Temporary Legislation #10419R, AN ORDINANCE APPROVING WAGE INCREASES FOR PART-TIME NON-BARGAINING UNIT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

This Ordinance will approve 2% wage increases for all part-time non-bargaining unit employees effective July 1, 2014, 2015, and 2016. This is the same increase agreed to in the collective bargaining unit contracts.

First Readings:

Temporary Legislation #10429, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH MEMBERS OF THE LORAIN COUNTY BROWNFIELD COALITION AS REQUIRED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN ORDER TO DRAW FUNDS FROM THE EPA BROWNFIELD ASSESSMENT GRANT AWARDED TO LORAIN COUNTY, 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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10429. The Environmental Committee recommended the Memorandum of Agreement to participate in the Lorain County Brownfield Assessment Grant from the U.S. EPA. The grant awarded to Lorain County is in the amount of \$600,000 and will be shared by the members of the Coalition which include the City of Avon Lake, the City of Lorain, the City of North Ridgeville, the City of Oberlin, and the Village of Wellington. The funds will be available for uses in Phases 1 and 2 of cleaning up brownfield sites. It specifically deals with assessment, remedial planning, risk assessments, and public outreach at eligible brownfield sites. The City will have no financial

obligation. The Memorandum of Agreement must be signed by the Mayor no later than November 28, 2014.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No.148-2014 adopted.**

Temporary Legislation #10421, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH TOWNE CENTER APARTMENTS, LTD AND TOWNE CARE CENTER LLC WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

This tax abatement request is relative to the final phase of Towne Center to include construction of a 62 unit congregate care facility. There was an original abatement approved in 2008, but due to the economy that phase of the project was not realized and the abatement agreement was never used. This abatement request is for a renewal of the 2008 agreement. The project is for a \$6.2 million investment creating 32 additional jobs and an annual payroll of \$760,000 per year.

Temporary Legislation #10422, AN ORDINANCE PROVIDING FOR TRANSFERS, 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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10422. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 149-2014 adopted.**

Temporary Legislation #10423, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2014, 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: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10423. The Finance Director determined appropriations need to be amended by a reduction of \$345 since certain purchase orders were closed.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 150-2014 adopted.**

Temporary Legislation #10424, AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS FROM TIME TO TIME FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL WATER SYSTEM OR REFUNDING DEBT ISSUED BY THE CITY FOR THAT PURPOSE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PLEDGING CERTAIN REVENUES AND FUNDS TO SECURE THOSE BONDS, 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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10424. Finance Director Presley explained this ordinance and the following ordinance will allow the City to refinance water revenue bonds at an estimated savings of approximately \$600,000. Temporary Legislation #10424 authorizes the master agreement which is the first step relative to the issuance of the debt. The following ordinance, Temporary Legislation #10425, authorizes the debt up to the \$6 million amount. Mrs. Fenderbosch pointed out that this is rate based and does not come from taxes. Mr. Presley confirmed that it is water revenue and the savings prevents a potential water rate increase. The savings will provide additional funds for capital improvements to the City's water system.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 151-2014 adopted.**

Temporary Legislation #10425, AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2015, UNDER ARTICLE XVII OF THE OHIO CONSTITUTION, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,000,000 FOR THE PURPOSE OF PAYING THE COST OF REFUNDING CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE ISSUED TO IMPROVE THE UTILITY; AND AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A FIRST SUPPLEMENTAL TRUST AGREEMENT, A BOND PURCHASE AGREEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND AN OFFICIAL STATEMENT, 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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10425. This ordinance was discussed during discussion of Temporary Legislation #10424.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 152-2014 adopted.**

## **EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss pending litigation and the discipline of two public employees.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 8:20 P.M.

## **RECONVENING OF COUNCIL MEETING**

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The Council meeting was reconvened at 8:55 P.M.

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

Mr. Meiners moved for adjournment.

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

Absent: Kos

No: None

Motion carried.

Adjournment: 8:56 P.M.

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

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