

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 8, 2014**

The regular meeting of the Avon Lake Municipal Council was called to order on September 8, 2014 at 8:07 P.M. following the rescheduled Collective Committee meeting 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 Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, 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.

MAYOR'S REPORT

NRG has appealed its real estate assessment for the power plant in Avon Lake. The Board of Assessment hearing is scheduled for October 15, 2014. County Auditor Craig Snodgrass informed the Mayor that the ruling is usually issued in 30 days. Either side has the right to appeal so the final result may not be known until after May 2015. After conferring with the Finance Director, the Mayor stated that he will request the Finance Committee to consider encumbering \$5000 for Avon Lake's share of the appeal process. The NRG property was valued at \$54 million and NRG is arguing that the property has a value of just over \$9 million.

Jan Mackert has been rehired to serve as the City's Business Liaison. She is working on a project in cooperation with Team Lorain County and Assistant Law Director David Graves regarding the retention and expansion of a business in Avon Lake.

Mrs. Mackert attended a County press conference last week dealing with brownfields management.

The Big Trucks event will take place September 20, 2014 from noon to 4:00 P.M.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for September 15th and the next regular Council meeting is scheduled for September 22nd. September 29th is the fifth Monday of the month and no Council meeting is scheduled.

Council will adjourn to Executive Session at the end of the Council meeting and will reconvene in open session at the end of the Executive Session. No votes will be taken during the Executive Session.

PUBLIC WORKS DEPARTMENT REPORT

Avon Lake is a member of the Lorain County Brownfield Coalition which was awarded a grant to enter into studies and contracts to assess brownfields within Lorain County. The property Mr. Reitz identified for investigation is on the east side of Avondale, south of Lake Road where the old oil tanks were located. Additional sites could be included in the assessment grant.

Branch pick-up will be suspended when leaf pick-up begins at the end of October.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

FINANCE DIRECTOR'S REPORT

The Finance Director received confirmation from the County that they will only reimburse the City for health care costs for Court personnel retroactive to January 1, 2014. He stated that he will work with Law Director Lieberman to seek reimbursement for costs prior to that date.

FINANCE COMMITTEE REPORT

The regularly scheduled Finance Committee meeting will not be held in September.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet September 11, 2014 at 7:30 P.M.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported on the results of the September 8, 2014 special meeting of the Public Service Committee.

The next meeting of the Public Service Committee is scheduled for September 22, 2014 at 6:00 P.M. in the Public Works Conference Room.

PUBLIC UTILITIES COMMITTEE REPORT

The natural gas aggregation opt-out letter was mailed to customers on August 20, 2014. Customers will automatically be included in the new rate saving program. If they wish to opt-out of the program, they must return the enclosed postcard to notify NOPEC, or notify NOPEC via fax at 800-238-5679 on or before September 10, 2014. Customers currently under another contract program will receive an opt-out

September 8, 2014 Council Meeting Minutes

letter when their contract expires. Questions can be directed to NOPEC by calling 1-855-667-3201.

A 100% green option with NOPEC is available. Information is available on the NOPEC website.

The procedure to have cable pedestals on front lawns repaired is posted on the City website and appears on ALCTV. It is the responsibility of each resident to request the work to be done from the appropriate cable/telephone provider.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the results of the August 26, 2014 Safety Committee meeting.

SEWER COMMITTEE REPORT

The next Sewer Committee meeting is scheduled for September 11, 2014 at 6:30 P.M. in the Public Works Conference Room.

AVON LAKE COMMUNITY COUNCIL

The Avon Lake Community Council is scheduled to meet September 10, 2014 at 7:00 P.M. at the Avon Lake Public Library.

MOTIONS

Mr. Kos moved to authorize the purchase of 17 ballistic vests with carriers and accessories from Galls, LLC in the amount of \$12,151.30. Galls submitted the best quote; three quotes were received.

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

No: None

Motion carried.

Mr. Kos moved to authorize the donation of unclaimed bicycles at the Police Department to Brycees Bikes, Inc. Brycees is a 501 3C charitable organization.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

September 8, 2014 Council Meeting Minutes

Temporary Legislation #10372R, AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION FOR THE JUDGE OF THE AVON LAKE MUNICIPAL COURT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10372R. The Avon Lake Municipal Court will transition to a full-time court with a full-time Judge. Therefore, Judge Bilancini's salary needs to be adjusted accordingly. The City is responsible for 3/5 of the local share and the County is responsible for 2/5 of the local share. The remainder comes from the State treasury.

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

No: None

Motion carried.

Ordinance No. 109-2014 adopted.

First Readings:

Temporary Legislation #10378, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 33260 Lake Road applied for a submerged land lease to construct a breakwall and pier in Lake Erie. A Resolution of No Interest from the City is required by the Ohio Department of Natural Resources. The request for the submerged land lease went through departmental review and there were no objections to the request.

Temporary Legislation #10379, AN ORDINANCE AUTHORIZING THE PURCHASE OF A FORD PICK-UP FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10379. The Fire Chief recommended the purchase of a 2015 Ford F250 Crew Cab Pick-up from Valley Ford through the State Purchasing Program at a cost of \$35,960. The truck is used as a maintenance vehicle for the Fire Department. The current maintenance vehicle is a 2000 Chevrolet which has become unreliable.

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

No: None

Motion carried.

Ordinance No. 110-2014 adopted.

September 8, 2014 Council Meeting Minutes

Temporary Legislation #10380, A RESOLUTION REFERRING A PROPOSAL TO PLANNING COMMISSION TO AMEND PLANNING & ZONING CODE SECTION 1268.03 (a), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10380. The Historic Preservation Commission would like to change the composition of its membership from seven members to five members; three members to be appointed by Council and two members to be appointed by the Mayor. According to the Planning & Zoning Code, Council initiated amendments require a resolution to refer a proposed amendment to Planning Commission for its recommendation.

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

No: None

Motion carried.

Ordinance No. 111-2014 adopted.

Temporary Legislation #10381, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, AND TO EXECUTE CONTRACTS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director wishes to apply for a grant from the Ohio Public Works Commission (OPWC) for infrastructure improvements at Jaycox and Walker Roads and the Gable Ditch area.

Temporary Legislation #10382, 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: O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10382. The Finance Director determined certain transfers of funds are needed for the expenses of the City.

September 8, 2014 Council Meeting Minutes

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

No: None

Motion carried.

Ordinance No. 113-2014 adopted.

Temporary Legislation #10383, 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.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10383. The Finance Director determined certain adjustments are needed to reduce the permanent appropriations.

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

No: None

Motion carried.

Ordinance No. 114-2014 adopted.

Temporary Legislation #10384, AN ORDINANCE AMENDING ORDINANCE NO. 43-2014 ESTABLISHING THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10384. During the editing of the Codified Ordinances, American Legal Publishing noted a few typographical errors in Ord. No. 43-2014. There are no substantive changes.

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

No: None

Motion carried.

Ordinance No. 115-2014 adopted.

Temporary Legislation #10385, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR THE COLLECTION, TRANSPORTATION AND DELIVERY FOR DISPOSAL OR PROCESSING OF RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS GENERATED WITHIN THE CITY OF AVON LAKE, OHIO, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10385. The administration and Browning-Ferris have agreed to an amendment to the contract for the collection of solid waste and recyclable material to add additional services. The amendment to the contract will provide residents with the option to purchase bags which may be filled with solid waste and placed curbside for pick-up once a month on bulk pick-up day. The base cost of the bags is as follows: through 12-31-2015 - \$27.50 per roll of 10 bags; from 1-1-16 through 12-31-17 - \$29.50 per roll of 10 bags; from 1-1-18 through 12-31-18 - \$31.50 per roll of 10 bags.

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

No: None

Motion carried.

Ordinance No. 115-2014 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch announced the obituary of Gwen Davis, the wife of James Davies former member of the Zoning Board of Appeals and current member of Planning Commission.

The American Legion Post 211 will conduct a brief ceremony at the memorial marker of the unknown seamen at the Lakeshore Cemetery at 3:00 P.M. on September 10, 2014, the 201st anniversary of the Battle of Lake Erie when the unknown seamen were lost.

Flags will be flown at half-staff on September 11, 2014 from sunrise until sunset in memory of September 11th, Patriot Day. Anyone interested in receiving Fly the Flag notifications should contact John Shondel at osujohn@mac.com to be added to the list.

EXECUTIVE SESSION

September 8, 2014 Council Meeting Minutes

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss the discipline of a public employee and the purchase of land.

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

No: None

Motion carried.

Adjournment: 8:40 P.M.

RECONVENING OF COUNCIL MEETING

Council reconvened in open session at 9:32 P.M.

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

Mr. Meiners moved for adjournment.

Adjournment: 9:33 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council