

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD DECEMBER 14, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on December 14, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Shondel led the Council, staff, and public in 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, Finance Director Presley, Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the November 9, 2015 Council meeting were approved as prepared and published. The minutes of the November 24, 2015 Council meeting were approved as amended.

**APPOINTMENT OF A LIEUTENANT**

Temporary Legislation #10595, AN ORDINANCE CONFIRMING THE APPOINTMENT OF STEVEN PETER AS LIEUTENANT IN THE AVON LAKE FIRE 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 #10595. The Fire Chief recommended the promotion of Steven Peter to Lieutenant. Mr. Peter passed all Civil Service requirements.

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

No: None

Motion carried.

**Ordinance 155-2015 adopted.**

Law Director Lieberman administered the oath of office to Mr. Peter.

**PROCLAMATION**

Mayor Zilka read a proclamation to Randy Knilans. Mr. Knilans served on Planning Commission for 26 years and served on the Zoning Board of Appeals for two years. Due to term limits he is no longer eligible to serve on Planning Commission.

## **CORRESPONDENCE**

The following letters were received.

Kopf Builders requesting suspension of the rule requiring three readings and emergency passage of the final plat approval of Legacy Pointe No. 8 at the December 14, 2015 Council meeting.

Mike Sweeney resigning from his position on the Environmental Affairs Advisory Board.

Robert Haas resigning from his position on the Environmental Affairs Advisory Board.

## **MAYOR'S REPORT**

The Mayor met with Public Works Director Reitz, Chief Huerner, Chief Streator, Council President O'Donnell, and Finance Committee Chair Meiners to bring the budget in balance. The final budget will be discussed at the Finance Committee meeting on December 21<sup>st</sup> and voted upon at the December 21, 2015 Council meeting.

The Governmental Finance Officers Association sent a letter notifying the Mayor that the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended December 31, 2014 qualified for a Certificate of Achievement for Excellence in Financial Reporting. It is the highest form of recognition in government accounting and finance reporting.

## **COUNCIL PRESIDENT'S REPORT**

A Collective Committee Meeting will be held December 21<sup>st</sup>, followed by a rescheduled Council meeting. No meeting will be held on December 28<sup>th</sup>.

On January 4, 2016, Council will hold its organizational meeting. A Collective Committee meeting will follow.

There are vacancies on the Cable Advisory Commission, the Historic Preservation Commission, the Environmental Affairs Advisory Board, the Community Reinvestment Area Housing Council, and the Affirmative Action Committee. Anyone interested in serving 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).

## **PUBLIC WORKS DIRECTOR REPORT**

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The Public Works Department weekly update was distributed.

Christmas trees will be collected from tree lawns by the Public Works Department.

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

The Law Department litigation update was distributed.

#### **FINANCE DIRECTOR'S REPORT**

The November financial statements are posted on the Avon Lake website.

#### **ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel has been in contact with Lorain County Community Development to conduct invasive species remediation on several City properties in 2016. The problem is at the closed landfill property, at the southern end of the sewer treatment plant, and at the Walker Road Park retention basin. This can be added into the existing County grant cycle. The grant funds are based on the amount of acreage affected.

#### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the items discussed at the December 7, 2015 Human Resources Committee meeting.

#### **PUBLIC SERVICE COMMITTEE REPORT**

The Public Service Committee will not meet in December.

#### **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the items discussed at the December 10, 2015 Sewer Committees meeting.

#### **MOTIONS**

Mr. Shondel moved to accept the resignation of Mike Sweeney from the Environmental Affairs Advisory Board.

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

No: None

Motion carried.

Mr. Shondel moved to appoint Erin McDevitt-Franz to the Environmental Affairs Advisory Board effective December 15, 2015 for a term expiring February 28, 2016.

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

Mr. Shondel moved to accept the resignation of Robert Haas from the Environmental Affairs Advisory Board.

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

Mr. Bucci moved to confirm the appointment of Jim Janis to the Civil Service Commission effective December 15, 2015 for a term expiring December 31, 2017.

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

**LEGISLATION**

Third Reading:

Temporary Legislation #10584, A RESOLUTION SUPPORTING A REGIONAL PLAN TO IMPROVE THE CONNECTIVITY OF LAKEFRONT COMMUNITIES IN LORAIN COUNTY, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10584. This Resolution will support an effort by the Lorain County Board of Commissioners to partner with NOACA for lakefront planning to include all lakefront communities across Lorain County.

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

**Ordinance No. 152-2015 adopted.**

Second Readings:

Temporary Legislation #10587, AN ORDINANCE APPROVING THE FINAL PLAT FOR REBECCA LANE, PLANNED UNIT DEVELOPMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

Mrs. Fenderbosch moved for passage of Temporary Legislation #10587. Planning Commission approved the final plat at the November meeting. The final plat complies with the subdivision requirements and includes 57 single family lots. All inspections and engineering fees have been paid and all improvements have been installed.

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

No: None

Motion carried.

**Ordinance No. 153-2015 adopted.**

Temporary Legislation #10588, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR AN ELEVATED STORAGE TANK AND PUMPING STATION, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10588. Planning Commission approved this item at the November meeting. The 3 million gallon elevated storage tank and pumping station will be located approximately 400 feet back from Walker Road on the north side between Avondale and Miller Road. The project will take up to two years to complete.

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

No: None

Motion carried.

**Ordinance No. 154-2015 adopted.**

Temporary Legislation #10593, AN ORDINANCE AMENDING CHAPTER 8 OF THE CODIFIED ORDINANCES ADDING SECTION 886 "INCOME TAX" FOR THE TAX YEARS COMMENCING JANUARY 1, 2016, AND AUTHORIZING THAT SECTION 800 "EARNED INCOME TAX" SHALL REMAIN IN FULL FORCE AND EFFECT FOR TAX YEARS PRIOR TO 2016, AND DECLARING AN EMERGENCY, was read by title only.

Senate Bill 5 requires municipalities to adopt a new income tax ordinance effective January 1, 2016 to provide for uniformity throughout the State of Ohio. The prior income tax ordinance will not be repealed because it will still be applicable for taxes filed prior to 2016. RITA has reviewed the proposed ordinance.

Temporary Legislation #10594, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON

LAKE FOR THE FISCAL YEAR 2016, AND DECLARING AN EMERGENCY, was read by title only.

The appropriations for 2016 are based on budget meetings held by Council. All budget meetings are open to the public.

First Readings:

Temporary Legislation #10596, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JEREMY FIALKOWSKI AS A LABORER IN THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director recommended Mr. Fialkowski to the position of Laborer to fill a vacancy. Mr. Fialkowski passed all Civil Service requirements.

Temporary Legislation #10597, AN ORDINANCE CONFIRMING THE APPOINTMENT OF DENNIS KEENE AS EQUIPMENT OPERATOR IN THE PUBLIC WORKS 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 #10597. Mr. Keene passed all Civil Service requirements. Mr. Keene has been in the position of Equipment Operator in Training.

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

**Ordinance No. 156-2015 adopted.**

Temporary Legislation #10598, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF LORRIE BRUCE TO THE POSITION OF INTERIM RECREATION MANAGER, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Bruce will act as the interim Recreation Manager until such time as a full-time Recreation Director is appointed.

Temporary Legislation #10599, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CABLE PRODUCTION COORDINATOR FOR THE AVON LAKE CABLE TELEVISION STUDIO, ESTABLISHING THE

QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

The Cable Production Coordinator will become a full-time position to allow for more coverage in the cable studio. The hourly wage rate will remain the same.

Temporary Legislation #10600, A RESOLUTION REFERRING A PROPOSAL TO AMEND THE PLANNING & ZONING CODE TO PLANNING COMMISSION FOR REVIEW OF THE MEMBERSHIP OF THE ZONING BOARD OF APPEALS, 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 #10600. According to the Planning & Zoning Code, members of the Zoning Board of Appeals shall not serve on any other elected or appointed position in the City. An amendment has been proposed to allow members to serve on the following boards or commissions: Citizens Tree Commission, Cable Advisory Commission, Environmental Affairs Advisory Board, Income Tax Board of Review, Community Reinvestment Area Housing Council, and the Affirmative Action Committee. It has been difficult to fill vacancies on these boards or commissions.

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

No: None

Motion carried.

**Ordinance No. 157-2015 adopted.**

Temporary Legislation #10601, AN ORDINANCE AWARDED A CONTRACT FOR CLEANING SERVICES AT CITY BUILDINGS, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director advertised for bids for cleaning services with only one bid having been received. The contract will be awarded to ADW Inc. for a three year period. The total amount of the contract is \$76,000.

Temporary Legislation #10602, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 31668 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. The Ohio Department of Natural Resources requires a Resolution of No Interest from the City. The request went through department review and the City has no interest in the property.

Temporary Legislation #10603, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 31906 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. The Ohio Department of Natural Resources requires a Resolution of No Interest from the City. The request went through department review and the City has no interest in the property.

Temporary Legislation #10604, AN ORDINANCE APPROVING THE FINAL PLAT FOR LEGACY POINTE PHASE 8, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10604. Planning Commission approved the final plat and referred it to Council. Phase 8 is located east of Avon Belden Road and south of Walker Road in an R-1 single family residential P.U.D.

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

No: None

Motion carried.

**Ordinance No. 158-2015 adopted.**

Temporary Legislation #10605, AN ORDINANCE ADOPTING A RISK MANAGEMENT POLICY FOR THE RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Recreation Director and Law Director developed an updated comprehensive Risk Management Plan with input from the Parks & Recreation Commission. The Plan adopts a policy for volunteers, particularly those working in the youth programs.

Temporary Legislation #10606, AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE CITIES OF AVON LAKE AND ELYRIA, AND THE RURAL LORAIN COUNTY WATER AUTHORITY, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10606. The cooperative agreement between the three parties will provide an emergency backup water supply between the respective water systems.

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

No: None

Motion carried.

**Ordinance No. 159-2015 adopted.**

Temporary Legislation #10607, AN ORDINANCE AUTHORIZING ENTERING INTO A WATER SUPPLY REVOLVING LOAN AGREEMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10607. The Board of Municipal Utilities voted to upgrade the water system. An application will be submitted to the Water Supply Revolving Loan Account for the design and construction of a water tower and pumping station. The project cost is approximately \$9 million. The project will be funded by water related revenues.

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

No: None

Motion carried.

**Ordinance No. 160-2015 adopted.**

Temporary Legislation #10608, AN ORDINANCE AUTHORIZING ENTERING INTO A WATER SUPPLY REVOLVING LOAN AGREEMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10608. The Board of Municipal Utilities voted to upgrade the water system. An application will be submitted to the Water Supply Revolving Loan Account for the design and construction of an interconnectivity project with the City of Elyria. The interconnectivity project will ensure adequate water supply in an emergency. The project cost is \$3 million and will be funded by water related revenues.

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

No: None

Motion carried.

**Ordinance No. 161-2015 adopted.**

Temporary Legislation #10609, AN ORDINANCE AMENDING APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2015, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10609. The Finance Director determined certain appropriations are necessary for the municipal utilities funds as approved by the Board of Municipal Utilities.

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

No: None

Motion carried.

**Ordinance No. 162-2015 adopted.**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Tomanek's twelfth grade economics classes raised \$619 to donate to Toys for Tots. Mr. Kos presented a Certificate of Appreciation to the Mayor for City Hall donations.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

Adjournment: 8:45 P.M.

Approved:

  
Council President

Attest:

  
Clerk of Council