

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD DECEMBER 21, 2015**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on December 21, 2015 at 8:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci 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.

CORRESPONDENCE

James Davis submitted his letter of resignation from Planning Commission effective December 14, 2015.

MAYOR'S REPORT

The Mayor met with school officials to discuss communication issues within the schools and safety services equipment. A plan will be developed.

A representative from Jobs Ohio came to Avon Lake and spoke to a major business, after which there was a meeting with the Mayor regarding opportunities in Avon Lake for economic development.

COUNCIL PRESIDENT'S REPORT

No Council meeting will be held on December 28, 2015. The Council organizational meeting will be held January 4, 2016 at 7:30 P.M. followed by a Collective Committee meeting.

There is a vacancy on the Historical Preservation Commission. Interested residents should send a letter of interest and resume to the Clerk of Council.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

A total of 21 deer have been taken in December. Culling will resume in January.

PUBLIC UTILITIES COMMITTEE REPORT

The natural gas aggregation program has been in effect for over a year. Residents should ignore any contact which claims Avon Lake is no longer a member of NOPEC. Avon Lake is a participating member of NOPEC in the gas and electrical aggregation programs. Both programs were approved by the electorate.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported that the December Sewer Committee minutes have been distributed and are available through the Clerk of Council.

ZONING BOARD OF APPEALS

Mayor Zilka reported on the results of the December meeting of the Zoning Board of Appeals.

MOTIONS

Mrs. Fenderbosch moved to accept the resignation of James Davis from Planning Commission effective December 14, 2015. Mr. Davis resigned due to personal commitments.

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

No: None

Motion carried.

Mr. James moved to accept the Active Transportation Plan. Behnke & Assoc. developed a master plan for Avon Lake for active transportation. The Plan will be forwarded to NOACA to be included in their master plan which could help in achieving funding for the project.

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

No: None

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor license transfer for Close Quarters. The Police Chief has no objections to the transfer. The transfer is required since there is a change in the title on the license.

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

No: None

Motion carried.

LEGISLATION

Mr. Meiners moved to add Temporary Legislation #10614 at the request of the Law Director and Finance Director to approve additional funds for litigation.

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

No: None

Motion carried.

Third Readings:

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.

Mr. Meiners moved for passage of Temporary Legislation #10593.

Mr. Meiners moved to amend Temporary Legislation #10593. The following language will be added to Section 12 (o), "the income of a natural person under the age of 18" Council wishes to exempt persons under the age of 18 from the municipal income tax.

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

No: None

Motion carried.

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.

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

No: None

Motion carried.

Ordinance No. 163-2015 adopted.

Temporary Legislation #10594R, 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.

Mr. Meiners moved for passage of Temporary Legislation #10594R. The appropriations for 2016 are based on budget meetings held by Council.

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

No: None

Motion carried.

Ordinance No. 164-2015 adopted.

Second 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.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10596. The Public Works Director recommended Mr. Fialkowski to the position of Laborer to fill a vacancy. Mr. Fialkowski passed all Civil Service requirements.

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

No: None

Motion carried.

Ordinance No. 165-2015 adopted.

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

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10598. Mrs. Bruce will act as the interim Recreation Manager until such time as a full-time Recreation Director is appointed.

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

No: None

Motion carried.

Ordinance No. 166-2015 adopted.

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10601. 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.

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

No: None

Motion carried.

Ordinance No. 167-2015 adopted.

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10602. 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.

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

No: None

Motion carried.

Ordinance No. 168-2015 adopted.

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

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10603. 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.

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

No: None

Motion carried.

Ordinance No. 169-2015 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.

First Readings:

Temporary Legislation #10610, AN ORDINANCE TO AMEND APPROPRIATIONS AND OTHER EXPENDITURES FOR 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: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10610. The Finance Director determined supplemental appropriations are needed to close fiscal year 2015. Reducing appropriations is necessary to be in compliance with State law.

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

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No: None

Motion carried.

Ordinance No. 170-2015 adopted.

Temporary Legislation #10611, AN ORDINANCE AMENDING ORDINANCE NO. 170-93, MUNICIPAL INCOME TAX ORDINANCE TO EXEMPT FROM OBLIGATION TO PAY MUNICIPAL INCOME TAXES FOR THE TAX YEAR 2015 NATURAL PERSONS UNDER 18 YEARS OF AGE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10611. At the December 7, 2015 Collective Committee meeting, Council expressed a desire to exempt individuals under the age of 18 from the municipal income tax. The Finance Committee approved an amendment to the current Income Tax Ordinance that will exempt anyone under the age of 18 from Avon Lake income tax for the year 2015.

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

No: None

Motion carried.

Ordinance No. 171-2015 adopted.

Temporary Legislation #10612, AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF LEAR/NAGEL SANITARY SEWER FORCE MAIN BETWEEN THE CITY OF AVON LAKE AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY, was read by title only.

The Board of Municipal Utilities wishes to extend the Lear/Nagel sanitary force main. The project will be financed through a loan from OWDA. The loan amount is approximately \$400,000. This ordinance approves the project and authorizes the Mayor and Finance Director to sign the cooperative agreement for construction, maintenance, and operation of the wastewater project.

Temporary Legislation #10613, AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF THE MULL/NORMAN SANITARY SEWER REHABILITATION BETWEEN THE CITY OF AVON LAKE AND THE OHIO WATER DEVELOPMENT AUTHORITY, AND DECLARING AN EMERGENCY, was read by title only.

The Board of Municipal Utilities wishes to rehabilitate the Mull/Norman sanitary sewer with financing through a loan from OWDA. The loan amount is approximately

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\$3 million. This ordinance approves the project and authorizes the Mayor and Finance Director to sign the cooperative agreement.

Temporary Legislation #10614, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JAMES E. PIETRANGELO II, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10614. The Law Director requested additional funds not to exceed \$20,000 for legal fees for the ongoing case filed against the City regarding the skate park.

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

No: None

Motion carried.

Ordinance No. 172-2015 adopted.

ADJOURNMENT

Mr. Meiners moved for adjournment.

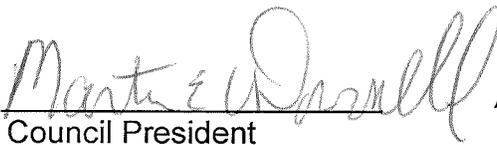
Yes: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel

No: None

Motion carried.

Adjournment: 8:40 P.M.

Approved:


Council President

Attest:


Clerk of Council