

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 9, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on February 9, 2015 at 7:30 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, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Finance Director Steve Presley; Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

Absent: David Kos

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

APPROVAL OF MINUTES

The minutes of the January 5, 2015 Special Council Meeting and the January 26, 2015 Regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

The Ward I Town Hall Meeting was held on February 4th with approximately forty people in attendance. Those who were unable to attend the Ward I meeting are welcome to attend the Ward II meeting on February 11th at 7:00 P.M. at Learwood Middle School. Issues of a general nature will be discussed with specific items that may apply to Ward II. The Ward III meeting will be held on February 25th at Troy Intermediate School and the Ward IV meeting will be held on March 4th at Troy Intermediate School.

Residents can access the City budget and monthly financial statements on the Avon Lake website.

COUNCIL PRESIDENT'S REPORT

In observance of President's Day, no Council meeting will be held on February 16th. A rescheduled Collective Committee meeting will be held on Tuesday, February 17th at 7:30 P.M.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department update was distributed.

This year the City will have ordered 6000 tons of road salt. The new salt barn has allowed the City to order salt during non-peak times and has also allowed the City to order larger quantities of salt so more can be stockpiled.

LAW DIRECTOR REPORT

The Law Department update was distributed.

FINANCE DIRECTOR REPORT

The preliminary official statements for the pool refinancing and water revenue bonds are close to completion. The Finance Director and Mr. Danielson will have a phone conversation with Moody's on February 17th to discuss the issuance of bonds and determine a bond rating.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee will hold a joint meeting with the Safety Committee on February 19th at 6:30 P.M. in the Public Works Conference Room. The purpose of the meeting is to review the possible culling of deer at Weiss Field and the closed landfill.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee met on February 5, 2015. A NOPEC representative attended the meeting to review the results of the natural gas aggregation program. The program was approved by the voters at the May 2014 primary election by 76.2%. Public Hearings were held on June 16, 2014 and on July 14, 2014. The opt-out letter was mailed in August of 2014 to 5777 households that use natural gas and that were not under a current contract, not delinquent with their bills, and not on an income payment plan. The average eligible household expected was 66% or 5118 households, but Avon Lake had 74% or 5777. Of those 5777 eligible households, 5454 did not opt out and of the 323 that did opt out, the most common reason was that "they didn't like the idea of the City telling them what to do." NOPEC did a telephone survey of the 323 residents whose telephone numbers were available, and a few said they just liked Columbia Gas. The decision to use NOPEC can be cancelled at any time at no cost. The NOPEC variable rate for January was \$0.4569 for 100 cubic feet of gas and the Columbia Gas variable standard choice rate was \$0.4589 per hundred cubic feet. A customer can change from NOPEC fixed to NOPEC variable at least twice a year. Other communities in the NOPEC program are Amherst Township, Avon, Columbia Township, Elyria, Elyria Township, Lorain, Sheffield Lake, Sheffield Village, Sheffield Township, and South Amherst. During 2015, Carlisle Township, Grafton Township, LaGrange Township, Pennfield Township, and the Villages of Vermilion and Wellington are expected to join NOPEC.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet February 12, 2015 at 6:30 P.M.

COMMUNITY COUNCIL

Nominations for Citizen of the Year and Project of the Year will be accepted until March 17th. Forms are available on the Avon Lake website, at City Hall, and at the Avon Lake Public Library.

MOTIONS

Mr. O'Donnell moved to add an Executive Session to the meeting to discuss the discipline of a public employee.

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved to confirm the Mayor's appointment of Janice Lapina to the Community Improvement Corporation effective August 8, 2014. Mrs. Lapina's term expired and her reappointment to the CIC was inadvertently overlooked. This will maintain the staggered terms.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to accept the resignation of Judy Kaminski from the Avon Lake Historical Preservation Commission effective February 9, 2015. Mrs. Kaminski has served on the Commission admirably since 2011.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to confirm the Mayor's appointment of Don Cruse to the Avon Lake Historical Preservation Commission effective February 9, 2015 for a term expiring December 31, 2015. Mr. Shondel reviewed Mr. Cruse's resume.

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

No: None

Absent: Kos

Motion carried.

Mr. Shondel moved to appoint Barbara Rudge to the Avon Lake Historical Preservation Commission effective February 9, 2015 for a term expiring December 31, 2015. Mr. Shondel reviewed Mrs. Rudge's resume.

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

No: None

Absent: Kos

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10442, AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR STEVE PRESLEY, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10442. The duties of Contract Administrator have been reassigned to the Finance Director. This ordinance will authorize a salary increase of \$5000 for the Finance Director for assuming the additional duties.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 12-2015 adopted.

Temporary Legislation #10444, AN ORDINANCE AUTHORIZING THE LEASING OF ASSEMBLY HALL AT VETERANS MEMORIAL PARK TO THE AVON LAKE LANDMARK PRESERVATION SOCIETY, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10444. The current lease has expired and the organization has been in negotiations with the Mayor for a new lease and has come to an agreement. The Law Director reviewed the lease and is satisfied with the terms. The lease will be in effect for 11 ½ years for grant funding purposes.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 13-2015 adopted.

Temporary Legislation #10445R, AN ORDINANCE APPROVING THE PRELIMINARY PLAN FOR ALTEN SUBDIVISION, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10445R. The preliminary plan will create seven buildable lots on 4.09 acres of land on the north side of Krebs Road. The Zoning Board of Appeals granted the following four variances: a 35 foot front building setback; a 25 foot front building setback; a 37.4 front building setback; and allowing an existing building to remain in a front yard that will be created by the proposed street for the life of the structure.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 14-2015 adopted.

Temporary Legislation #10447R, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 452.04 (k) (2), CHAPTER 452.15 (b), and Chapter 454.10, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation 10447R. The Safety Committee reviewed these proposed amendments at the request of the Assistant Law Director and the Police Chief to bring the Avon Lake ordinances in line with the Ohio Revised Code regarding disabled parking locations and penalties.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 15-2015.

Temporary Legislation #10449, AN ORDINANCE APPROVING THE APPOINTMENT OF A SECURITY OFFICER IN THE MUNICIPAL COURT ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10449. This will confirm the appointment of Jordan Stephenson as a part-time Court Security Officer and set his salary at \$20.00 per hour.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 16-2015 adopted.

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Temporary Legislation #10451, AN ORDINANCE REPEALING ORDINANCE NO. 47-2011, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10451. This will repeal the ordinance appointing Joseph Reitz to the position of Contract Administrator since the duties of that position have been reassigned to the Finance Director.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 17-2015 adopted.

Second Reading:

Temporary Legislation #10452, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, was read by title only.

The Police Department submitted a list of unclaimed confiscated bicycles and wishes to donate them to Community Resources Services, a 501 (c) 3 organization.

First Readings:

Temporary Legislation #10454, AN ORDINANCE ENACTING SECTION 220.26 AND CHAPTER 298 OF THE CODIFIED ORDINANCES AND AMENDING SECTION 260.22, 278.04, 1468.05, AND 1476.36 OF THE CODIFIED ORDINANCES TO GRANT CITY COUNCIL AND THE BOARDS, COMMISSIONS, AND COMMITTEES THE POWER TO SUBPOENA WITNESSES AND RECORDS, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance will grant City Council, Boards, Commissions, and Committees the authority to subpoena witnesses to appear before them and require them to submit requested documents.

Temporary Legislation #10455, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 33850 Lake Road requested a Resolution of No Interest in order to obtain a submerged land lease from the Ohio Department of Natural Resources to construct a breakwall in Lake Erie. The City has no interest in the property.

Temporary Legislation #10456, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL

ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

It is required to have the closed landfill monitored annually. HzW Environmental Consultants will perform the service. They have been monitoring the landfill for many years. The contract amount is \$65,100.

Temporary Legislation #10457, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF FEBRUARY 10, 2015 THROUGH DECEMBER 31, 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, Meiners, O'Donnell, Shondel

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10457. The City has had success selling items no longer of use via three internet auction sites.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 18-2015 adopted.

Temporary Legislation #10458, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MARY KRUPAR TO THE POSITION OF SECRETARY TO THE MAYOR, 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, Meiners, O'Donnell, Shondel

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10458. Mayor Zilka wishes to appoint Mary Krupar as his Secretary for the remainder of his term ending December 31, 2015. Mrs. Krupar has been working for the Mayor on a temporary basis.

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

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No: None

Absent: Kos

Motion carried.

Ordinance No. 19-2015 adopted.

Temporary Legislation #10459, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.06 (e) (2), was read by title only.

Section 260.06 (e) (2) grants the Mayor two personal holidays in addition to the three personal holidays provided in the section. However, the section had been amended to give all full-time employees four personal holidays. 260.06 (e) (2) will be amended to grant the Mayor two personal holidays in addition to the four personal holidays provided to all full-time employees to be consistent with sections of the Codified Ordinances.

Temporary Legislation #10460, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A TECHNICAL AIDE II 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, Meiners, O'Donnell, Shondel

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10460. Public Works Director Reitz recommended Kevin McDonough for the position of Technical Aide II in the Public Works Department effective February 10, 2015. Mr. McDonough has been working as a Laborer in the Department.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 20-2015.

EXECUTIVE SESSION

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.

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

No: None

Absent: Kos

Motion carried.

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Adjournment: 8:10 P.M.

RECONVENING OF OPEN COUNCIL MEETING

The open Council meeting was reconvened at 9:04 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. O'Donnell moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 9:05 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council