

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JUNE 8, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on June 8, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch 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 May 26, 2015 Regular Council Meeting were approved as prepared and published.

PROCLAMATION

Mayor Zilka read a proclamation recognizing Pat Vaccaro, retiring St. Joseph School Principal.

CORRESPONDENCE

Mrs. Fenderbosch received two letters regarding concerns of turning onto two different intersections, and two letters objecting to the proposed subpoena ordinance.

Mayor Zilka received correspondence objecting to the proposed subpoena ordinance.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Shred Day was held at the Avon Lake Public Library on June 6th. Due to the large turnout, the bins were filled before the scheduled stop time and residents had to be turned away. The administration will consider changing the event from semi-annually to quarterly.

The Water Front Wine Festival is scheduled for June 20, 2015 from 4:00 P.M. until sunset at Veterans Memorial Park.

Cleveland Magazine rated Avon Lake fourth in its rankings of top suburbs in the Cleveland area. Avon Lake was ranked fifth in the category of safest city.

The NRG pipeline was approved by the Power Siting Board on June 5, 2015. The project consists of a 24 inch diameter natural gas pipeline that will extend 20 miles south from the Avon Lake power plant to the supply tap location in Grafton. NRG will use the pipeline to deliver natural gas to the power plant and other potential commercial and manufacturing customers. The plant which currently generates electricity using coal is slated for deactivation. The pipeline will allow the plant to continue operations using natural gas.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for June 15th and the next regular Council meeting is scheduled for June 22nd. There are only two regular Council meetings scheduled before summer recess.

An Executive Session will be added to tonight's meeting to discuss the purchase of property.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department update was distributed.

Mr. O'Donnell asked Mr. Reitz to keep him informed on the settlement of a lawsuit involving Cargill Salt.

LAW DIRECTOR REPORT

The Law Department update was distributed.

FINANCE DIRECTOR REPORT

Repairs to the Folger Home as a result of the water main break have been completed. The City was responsible for the \$2500 deductible with the remainder of costs covered by insurance.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet June 10, 2015 at 6:00 P.M.

Any residents who have deer damage to their landscaping should contact the Lorain County Wildlife Officer, Randy White, at 330-245-3032. If he issues a Deer Damage Control Permit, the next step would be to contact the Avon Lake Police Department to get a Municipal Deer Control Permit. The Police Department maintains a list of qualified archers.

There are two vacancies on the Environmental Affairs Advisory Board. Letters of interest and resumes should be sent to the Clerk of Council at 150 Avon Belden Road or by e-mail to bdopp@avonlake.org. There are many environmental issues that affect the City including deer management and stormwater runoff and its effect on Lake Erie.

FINANCE COMMITTEE REPORT

Mr. Meiners reported on the results of the June 8, 2015 Finance Committee meeting.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the results of the June 1, 2015 Human Resources Committee meeting.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee is scheduled for June 11, 2015 at 6:30 P.M. in the Public Works Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee is scheduled to meet June 15, 2015.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the results of the June 2, 2015 Planning Commission meeting.

AUDIENCE PARTICIPATION

Curtis Weems, 350 Greenbrier Drive, expressed his opposition to the proposed subpoena ordinance. He asked that it be placed on the ballot.

Dave Zupan, 33791 Lake Road, expressed his opposition to the proposed subpoena ordinance and stated that if it is enacted, a lawsuit will be filed against the City.

MOTIONS

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to add an Executive Session to the agenda to discuss the purchase of property.

Mr. Shondel moved to amend the motion for Executive Session to include discussion of pending litigation.

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

No: None

Motion carried.

The roll was called on the main motion with the amendment to add pending litigation.

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

No: None

Motion carried.

Mr. James moved to authorize the purchase of a beach comber from H. Barber & Sons in the amount of \$12,975.00. The equipment will be used to clean the beaches and the sand volleyball court.

Mr. Bucci moved to authorize the Mayor to enter into an agreement with the Fraternal Order of Police and Susan Stevens to allow the Mayor to sign a Memorandum of Understanding that will allow Ms. Stevens to apply for disability benefits under the Police and Fire Pension Board. Ms. Stevens, an employee in the Police Department, has been receiving Workers' Compensation benefits for a period of time due to an injury sustained. The administration determined the City could no longer extend her Workers' Compensation benefits and she began the retirement process. However, she fell just short of disability benefits under the Police Pension Fund. The Police Pension Fund suggested that if her benefits are extended for another six months without any cost to the City, she would be eligible for disability benefits under the Police and Fire Pension Fund. The benefit to the City is that there will be a reduction in benefit costs.

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

No: None

Motion carried.

Mr. Shondel moved to accept the resignation of Bill Gross from the Environmental Affairs Advisory Board effective June 3, 2015.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #1054R2, AN ORDINANCE ENACTING SECTION 220.26, AND CHAPTER 268 OF THE CODIFIED ORDINANCES, AND AMENDING SECTIONS 260.22, 278.04, 1214.04, 1214.07, 1468.05, AND 1476.36 OF THE CODIFIED ORDINANCES TO GRANT CITY COUNCIL AND THE ZONING BOARD OF APPEALS ADDITIONAL LIMITED SUBPOENA POWERS, TO GRANT PLANNING COMMISSION LIMITED SUBPOENA POWERS, AND TO ESTABLISH

LIMITATIONS ON ALL EXERCISE OF SUBPOENA POWERS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved to amend Temporary Legislation #10454R2 by including Section (e) in the proposed Section 268.02 to read, "Prior to issuance, a subpoena must be approved as to form by the Director of Law or the Assistant Director of Law. This amendment was discussed in the Collective Committee meeting. It differs from the version discussed in the Public Service Committee meeting. The amendment will place an additional limitation on the issuance of subpoenas in response to a request and comment from the public. The requirement will apply to all entities which have the power to issue a subpoena. Mrs. Fenderbosch pointed out that the amendment will be the fifth limitation being placed on issuing a subpoena.

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10454R2. Mr. James reviewed the process for development of the ordinance. In 2014 a Planning Commission case was appealed in the Court of Common Pleas; a normal process for appeals of City entities. A number of bodies can make the appeal if they disagree with the action of a City entity. As part of the process, a transcript of the proceedings at the Planning Commission was presented to Planning Commission. It was discovered that Planning Commission was not swearing in all individuals who were presenting testimony before Planning Commission. The City lost that case. In reviewing the laws that are applicable to appeals to municipal entities to the Court of Common Pleas, the Law Director made some observations about the City's process that is criteria that are part of Ohio Revised Code Section 2506.03. There are various criteria that are required to be in place in order for the Court to consider the transcript and consider the testimony and evidence that is being provided in the transcript and the appeal to be reliable and credible. The problem with the Planning Commission case was that all witnesses were not being sworn in as required. The Law Director also observed that one of the criteria required in order for transcripts to be presented to the Court of Common Pleas is the ability of parties that appear before those entities to issue subpoenas. In order to correct the City's procedures in front of Planning Commission and other boards and commission, the Law Director and administration made two changes. Planning Commission now swears in anyone that is going to provide evidence before the body. Another piece to the issue is the inability of Planning Commission to issue subpoenas. In order to correct that procedural issue, the administration through the Law Director proposed legislation granting Planning Commission the ability to issue subpoenas. In an effort to make the issuance of subpoenas throughout the City, and mindful of the fact that City Council, Civil Service Commission, Zoning Board of Appeals, and the Demolition Board of Appeal already had the authority to issue subpoenas, a uniform procedure on subpoenas was proposed at the first reading of the legislation. It was read for the first time on February 9, 2015 and was read for the second time on February 23, 2015. In response to some comments after the first reading, the

legislation was revised to provide limitations on the use of subpoena power. In addition to some concerns that Council does not have adequate authority to enact this ordinance, it was withdrawn from the third reading and the Law Director was requested to conduct research on the issue, which is contained in a memorandum dated February 27, 2015, which is a public document. In the memorandum, the Law Director lays out legal support for a city to conduct investigations when doing its business and that the City has the authority to grant subpoena powers. The Ohio Constitution grants cities all powers of local self-government and rule, and further states that cities may adopt by charter their form of government and how they will enact ordinances and laws. It is through that constitutional provision and the Avon Lake Charter that the City has the authority to enact the ordinance. Additionally, by way of comparison, the Law Director observed that certain other municipal governments in Ohio, known as planned governments, also have authority to issue subpoenas. The Law Director did a short survey of communities that issue subpoenas which include Avon, Elyria, Maple Heights, Euclid, University Heights, and other cities which have abilities in various forms to issue subpoenas as necessary. With that in mind, the Public Service Committee reconsidered the proposed ordinance and decided to limit the subpoena authority to appropriate entities in the City. As a consequence, the Law Director conducted another survey of Avon Lake's ordinances and pointed out the boards and commissions that already had the power to issue subpoenas and made recommendations on which entities should receive the subpoena authority, if they didn't already have it. Essentially, his conclusion was because Council, Civil Service Commission, Demolition Board of Appeals, and the Zoning Board, when acting in its capacity as the Board of Appeals for Flood Damage Prevention, already had the power. The only additional powers that needed to be granted were to the Zoning Board when sitting as the Zoning Board and when sitting as the Board of Building Code Appeals, and the Planning Commission. Based on that information, the ordinance was revised to its current form which only permits City Council, Civil Service Commission, the Demolition Board of Appeals, the Zoning Board of Appeals, no matter how it is sitting, and Planning Commission the authority to issue subpoenas. A number of limitations have been added on how subpoenas can be issued. The ordinance has been considered for four months and has been discussed at nine meetings; three Collective Committee meetings, three Council meeting, and three Public Service Committee meetings. Public comments have been taken into account and Council's authority regarding granting subpoenas has been thoroughly researched. The revised ordinance truly limits the issuance of subpoenas where there were no limitations on the manner and ability to issue them prior to the writing of the ordinance.

Mrs. Fenderbosch read the following limitations stated in the proposed ordinance.

- (a) The body issuing the subpoenas shall take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.
- (b) The subpoena must allow the person to whom it is issued a reasonable time to comply.

- (c) The subpoena must be pertinent to the subject matter area that is being heard or investigated by the body issuing the subpoena.
- (d) The subject matter area to which such subpoena relates must be one that the body issuing the subpoena is authorized to hear or investigate.
- (e) Prior to issuance, the subpoena must be approved as to form by either the Director of Law or the Assistant Director of Law.

Law Director Lieberman pointed out that there is information that is protected from release or disclosure by common law privilege such as Social Security numbers, or any documents that are attorney-client privilege.

Mr. Meiners pointed out that the ordinance is a public record and available to anyone who requests a copy.

In answer to Mr. O'Donnell, the Law Director stated that, in his opinion, the ordinance does not have to go back to another reading since there have not been substantial changes. He pointed out that the proposed ordinance has the most comprehensive set of limitations on subpoena issuance that he has seen for any city.

Mr. Kos stated that the ordinance does not grant any additional powers. He further stated that the City Charter is clear. City Council only has the authority to issue a subpoena to an employee or officers of City matters. He stated that this legislation grants no additional authority to subpoena anybody other than what the City Charter clearly says in black and white. Mr. Kos stated that, if we did subpoena somebody that was not an employee or officer of the City, we would be in violation of the City Charter; that subpoena could be quashed. We would be in violation of it and it would not happen. The ordinance takes the bodies that already have the authority and makes a uniform procedure that all bodies have to comply with. There is oversight in the ordinance. Mr. Kos repeated that City Council has zero additional authority to subpoena residents.

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

No: None

Motion carried.

Ordinance No. 68-2015 adopted.

Temporary Legislation #10501R, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ENGINEERING TECHNICAL AIDE 1 FOR THE PUBLIC WORKS DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 171-2001, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10501R. The job description for the position of Technical Aide 1 has been upgraded to allow more flexibility and support in the Public Works Department.

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

No: None

Motion carried.

Ordinance No. 69-2015 adopted.

Temporary Legislation #10502, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 474.08, ENTITLED KEEPING TO THE RIGHT, AND DECLARING AN EMERGENCY, was read by title.

Mr. Kos moved for passage of Temporary Legislation #10502. This ordinance was recommended by the Safety Committee to repeal a provision of the City's bicycle code since it is inconsistent with Ohio Revised Code.

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

No: None

Motion carried.

Ordinance No. 70-2015 adopted.

Second Readings:

Temporary Legislation #10505, A RESOLUTION RECOGNIZING LILLY JACH, ERIN LITZLER, AND SAMANTHA LOAR FOR THEIR CROSSWALK AWARENESS PROJECT.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10505. As part of the Girl Scout Silver Award requirements, Lilly Jach, Erin Litzler, and Samantha Loar, developed a Crosswalk Awareness Project to promote safety in the City of Avon Lake. The project is being coordinated with the Avon Lake Police Department.

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

No: None

Motion carried.

Ordinance No. 71-2015 adopted.

Temporary Legislation #10506, AN ORDINANCE ESTABLISHING THE FULL-TIME POSITION OF ECONOMIC DEVELOPMENT DIRECTOR, was read by title only.

Mr. Bucci stated that economic development should be valued with a full-time Director. Mr. Kos stated that he will vote no on the legislation. Mayor Zilka stated that he has made arrangement with Team Lorain County to appear at the June 15th Work Session to explain what their organization does and how it fits in with an

economic development plan for Avon Lake and the State of Ohio as designed by the Governor with Jobs Ohio and Team NEO.

First Readings:

Temporary Legislation #10509, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO FILE AN APPLICATION AND ENTER INTO AN AGREEMENT WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS THROUGH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2015 RECYCLING AND COMPOSTING GRANT PROGRAM PURSUANT TO THE SOLID WASTE PLAN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10509. The grant is based on the amount of recyclables collected in the City. Avon Lake will receive approximately \$26,000. Mrs. Fenderbosch asked how the grant was intended to be used. Mr. Reitz stated that part of the grant will be used for extension and repairs to the boardwalk at Veterans Memorial Park.

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

No: Fenderbosch

Motion carried.

Ordinance No. 72-2015 adopted.

Temporary Legislation #10510, 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: Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel, Bucci

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10510. The property owners at 32842 Lake Road submitted a request for a submerged land lease to construct a breakwall in Lake Erie. A Resolution of No Interest is required from the Ohio Department of Natural Resources. There were no objections during departmental review.

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

No: None

Motion carried.

Ordinance No. 73-2015 adopted.

Temporary Legislation #10511, 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: Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel, Bucci

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10511. The property owners at 75 Rice Park Drive submitted a request for a submerged land lease to construct a breakwall in Lake Erie. A Resolution of No Interest is required from the Ohio Department of Natural Resources. There were no objections during departmental review.

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

No: None

Motion carried.

Ordinance No. 74-2015 adopted.

Temporary Legislation #10512, AN ORDINANCE AWARDED A CONTRACT FOR THE 2015 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

Denes Concrete submitted the lowest and best bid in the amount of \$1,418.06 for the 2015 concrete street program. The bids were higher than the budgeted amount. The Finance Director is making provisions to appropriate money for the additional cost.

Temporary Legislation #10513, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) 15, ENTITLED BOAT LAUNCH, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10513. The Parks & Recreation Commission recommended that patrons using the boat launch have the opportunity to purchase a season pass since there are individuals who use the facility regularly. The Commission also recommended adding the cost of ice and

worms to the fee schedule. The fee schedule will be amended as follows: Boat Launch Season Pass - \$50.00; bag of ice – 1.50; worms per dozen - \$2.50.

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

No: None

Motion carried.

Ordinance No. 75-2015 adopted.

Temporary Legislation #10514, AN ORDINANCE AMENDING SECTION 1070.02 OF THE CODIFIED ORDINANCES TO PERMIT INTOXICATING LIQUOR AT THE LAKE HOUSE, ASSEMBLY HALL (KNOWN AS THE FOLGER HOME), AND THE PETER MILLER HOUSE MUSEUM, AND AMENDING SECTION 1070.99 OF THE CODIFIED ORDINANCES TO PROVIDE AN APPROPRIATE PENALTY FOR VIOLATIONS, was read by title only.

This ordinance will allow renters of the facilities to have alcohol available at their functions. One of the requirements is that anyone serving alcohol must hire an off-duty police officer. The Recreation Department has lost a considerable amount of rentals due to the present ordinance that prohibits alcohol.

Temporary Legislation #10515, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e), ENTITLED LAKE HOUSE, was read by title only.

The Parks & Recreation Commission recommended amending the rental fee schedule for the Lake House since alcohol will be permitted. There are new fees for security deposits if alcohol is to be consumed.

Temporary Legislation #10516, AN ORDINANCE ESTABLISHING THE FULL-TIME POSITION OF RECREATION PROGRAMMER AND ADOPTING A JOB DESCRIPTION, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

The Recreation Director recommended creating the full-time position of Recreation Programmer. There has been a turnover in the Department, and hiring a full-time Programmer will allow the Recreation Director to best serve the residents. Mr. Meiners stated that he will not support the legislation in its present form. He thinks the position should include supervisory responsibility in order for the person to manage the Old Firehouse Community Center.

Temporary Legislation #10517, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE AND THE AVON LAKE BOARD OF MUNICIPAL UTILITIES TO ENTER INTO AN AGREEMENT TO PURCHASE APPROXIMATELY .4880 ACRES OF LAND TO BE USED FOR EXPANSION AND IMPROVEMENT OF THE WATER POLLUTION CONTROL CENTER, 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: Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel, Bucci

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10517. The land was appraised at \$95,000 which will be funded through Avon Lake Regional Water revenues.

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

No: None

Motion carried.

Ordinance No. 76-2015 adopted.

Mr. Shondel asked to be excused.

The Clerk of Council presented the Fiscal Officers Certificates for Temporary Legislation #10518, Temporary Legislation #10519, Temporary Legislation #10520, Temporary Legislation #10521, Temporary Legislation #10522, Temporary Legislation #10523, and Temporary Legislation #10524.

Temporary Legislation #10518, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,400,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS IN THE CITY BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING STORM SEWERS AND RELATED DRAINAGE FACILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Excused: Shondel

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10518. This and the following six ordinances are relative to the issuance and sale of notes which does not involve new debt. A portion of the current debt of approximately \$12 million is being paid off and new notes are being issued for a one year period at a competitive rate. In one year, the rates will be reevaluated. Finance Director Presley explained that this and the following six ordinances are being presented as emergency measures as \$12,329,000 of bonds are coming due on July 16th. The reissuance must be closed the day before. The City will be paying off \$618,000 and the balance will be reissued.

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

No: None

Motion carried.

Ordinance No. 77-2015 adopted.

Temporary Legislation #10519, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$986,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING LEAR ROAD AND KREBS ROAD AND THE INTERSECTION THEREOF BY WIDENING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING TURN LANES, STORM SEWERS, AND RELATED DRAINAGE FACILITIES AND INSTALLING SIGNAGE AND TRAFFIC AND RAILROAD SIGNALIZATION, AND DECLARING AN EMERGENCY, was read by tittle only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10519.

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

No: None

Motion carried.

Ordinance No. 78-2015 adopted.

Temporary Legislation #10520, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$5,700,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE SANITARY SEWER SYSTEM BY CONSTRUCTING AND RECONSTRUCTING SANITARY SEWERS AND RELATED SANITARY FACILITIES, WATER MAINS AND RELATED WATER SUPPLY FACILITIES, AND STORM SEWERS AND RELATED DRAINAGE DRAINAGE FACILITIES TO PROVIDE FOR THE SEPARATION OF THE EXISTING STORM SEWERS FROM SANITARY SEWERS AND CONTROL AND LIMIT THE VOLUME OF STORM WATER ENTERING OR OTHERWISE AFFECTING THE SANITARY SEWER SYSTEM AS PART OF THE MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10520.

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

No: None

Motion carried.

Ordinance No. 79-2015 adopted.

Temporary Legislation #10521, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,600,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING STORM SEWERS, CATCH BASINS AND RELATED DRAINAGE FACILITIES AS PART OF THE MOOREWOOD AREA COMBINED SEWER SEPARATION PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10521.

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

No: None

Motion carried.

Ordinance No. 80-2015 adopted.

Temporary Legislation #10522, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$76,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, EQUIPPING, AND OTHERWISE IMPROVING A NEW SALT STORAGE FACILITY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10522.

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

No: None

Motion carried.

Ordinance No. 81-2015 adopted.

Temporary Legislation #10523, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$149,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING EQUIPMENT AND APPARATUS FOR USE BY THE CITY'S SERVICE DEPARTMENT AND OTHER CITY FUNCTIONS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10523.

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

No: None

Motion carried.

Ordinance No. 82-2015 adopted.

Temporary Legislation #10524, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$800,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE WATER SUPPLY SYSTEM BY CONSTRUCTING AND RECONSTRUCTING WATER MAINS AND RELATED WATER SUPPLY FACILITIES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10524.

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

No: None

Motion carried.

Ordinance No. 83-2015 adopted.

Temporary Legislation #10525, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) (14), ENTITLED POOL FEES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10525. It was recommended that pool fees be waived for residents who are active duty armed forces personnel and resident Purple Heart recipients and their immediate families. This is a small effort to recognize and honor those individuals.

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

No: None

Motion carried.

Ordinance No. 84-2015 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Great Lakes Renewable Energy Council will meet June 11, 2015 at 11:30 A.M.

PUBLIC INPUT

Curtis Weems, 353 Greenbrier Drive, expressed his loss of confidence in Avon Lake government and his objection to raises approved for the Mayor and City Council, the hiring of a full-time Economic Development Director before an economic development plan is in place, and the subpoena ordinance.

Steve Vass, 648 Bridgeside Drive, had questions regarding the subpoena ordinance. He questioned a discrepancy in the language in Charter Section 19B and Codified Ordinance Section 220.26 and asked for clarification.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss the purchase of land and pending litigation.

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

No: None

Motion carried.

Adjournment: 9:15 P.M.

RECONVENING OF COUNCIL MEETING

The Council Meeting was reconvened at 10:19 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.

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Mr. Meiners moved for adjournment at 10:19 P.M.

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

No: None

Motion carried.

Approved: _____
Council President

Attest: _____
Clerk of Council