

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

The regular meeting of the Avon Lake Municipal Council was called to order on March 9, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos led the Council, staff, and public in the Pledge of Allegiance.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, 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: Rob James

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

APPROVAL OF MINUTES

The minutes of the February 23, 2015 Regular Council Meeting were approved as prepared and published.

APPOINTMENT OF A FIREFIGHTER/PARAMEDIC

Temporary Legislation #10467, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10467. Forest Mercer passed all Civil Service tests and has been recommended for the position by Fire Chief Huerner.

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

No: None

Absent: James

Motion carried.

Ordinance No. 31-2015 adopted.

Law Director Lieberman administered the Oath of Office to Mr. Mercer.

PUBLIC HEARING

A Public Hearing was called to order at 7:35 P.M. upon an application made by LNK Limited and ABK Limited to have certain land owned by them designated as being located within an agricultural district. These are renewal applications that must be approved by the County Auditor and City Council. The applicants must have proof that they are producing agricultural products in excess of \$2500.

The Public Hearing was closed at 7:37 P.M.

CORRESPONDENCE

Mr. Meiners was contacted by e-mail by a constituent who had a mailbox damaged by a City snow plow. The mailbox has been replaced by the Public Works Department.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

“Assist Avon Lake” and “Robby’s Voice” will sponsor a showing of the film, *The Anonymous People* at 6:30 P.M. on March 24, 2015 at the Avon Lake Public Library. The film will focus on the emerging public recovery movement and steps that need to be taken to remove the stigma associated with addiction by breaking the silence and celebrating the new life that recovery has given many people. There are 23.5 million Americans living in long term recovery facilities.

The Mayor and Mr. Reitz will attend a meeting on March 11, 2015 at the County Transportation Center. The purpose of the meeting is to help cities and townships maximize transportation dollars that flow through NOACA.

Kiwanis International will celebrate its 100th anniversary. The local chapter plans to celebrate the event by challenging 100 Kiwanis volunteers to volunteer some time on April 11th. The Public Works Director and Foreman will make a list of projects in City parks.

Avon Lake will celebrate Independence Day on July 2nd at Weiss Field with American Legion Post 211 Honor Guard, two musical groups, and a fireworks display.

Avon Lake High School graduate and former resident Karen Shelby has been awarded a Fulbright Scholarship. Ms. Shelby received her doctorate degree in Flemish Nationalism and the Great War from the City University of New York.

COUNCIL PRESIDENT'S REPORT

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The next Collective Committee meeting is scheduled for March 16th and the next regular Council meeting is scheduled for March 23rd.

There is a vacancy on the Environmental Affairs Advisory Board. The Board meets once a month and interested candidates 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.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department update was distributed.

LAW DIRECTOR REPORT

The Law Department update was distributed.

Mr. Meiners asked Mr. Lieberman if there are any laws against unsolicited newspapers being thrown in driveways. Mr. Lieberman stated that without doing research, he believes First Amendment rights would not prohibit someone from putting newspapers in driveways; there is nothing the City could do. However, the fact that it may be foreseeable that damage to snow blowers could occur, it could possibly lead to a private cause of action for damage to a snow blower.

FINANCE DIRECTOR REPORT

The Finance Director reported that Moody's has confirmed the City's bond rating of AA 2 for the water revenue refinancing bonds and the pool construction refinancing bonds. Moody's also confirmed an AA 2 rating on all of the City's outstanding debt. The complete Moody's report will be available on the City website. Generally, the higher the rating, the lower the rate of interest. The refinancing of bonds will save the City and taxpayers money.

Bids will be accepted for the water revenue refinancing bonds and will be taken electronically. The winning bid will be placed on the website.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet on March 17, 2015 at 6:00 P.M. in the Council Conference Room.

FINANCE COMMITTEE REPORT

The Finance Committee met on March 9, 2015 and discussed the financing of Avon Lake Regional Water projects. Government funding is available for cities that touch the Great Lakes and have shovel ready projects.

PUBLIC UTILITIES COMMITTEE REPORT

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Mr. Shondel reported on a change in billing procedures from WOW effective April 1, 2015. The following charges will be placed on WOW bills: a \$5.00 charge for paying in person at the WOW office; and a \$2.00 if payment is made by telephone.

All existing NOPEC customers will receive an opt-out letter that is required every two years. Customers who wish to remain with the NOPEC electric aggregation program should ignore the letter.

Cable channels 12 and 21 are airing instructions on how to report cable pedestals that are in disrepair.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee is scheduled for March 12, 2015 at 6:30 P.M. in the Public Works Conference Room.

PLANNING COMMISSION

Mrs. Fenderbosch reported on the results of the March 3, 2015 Planning Commission meeting.

ZONING BOARD OF APPEALS

Mayor Zilka reported on the results of the February 25, 2015 meeting of the Zoning Board of Appeals.

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. Kos moved to waive attorney/client privilege as it relates to the memorandum of the Law Director dated February 27, 2015 regarding subpoena power and investigation authority. At a previous meeting, Mr. Kos asked that the memorandum be made available to the public in order for the public to understand the Law Director's opinion regarding the legality of Council, Boards, Committees, and Commissions having subpoena powers.

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

No: Meiners

Absent: James

Motion carried.

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Mr. Kos moved to authorize a sports affiliate grant in the amount \$585.00 to the Avon Lake Lacrosse Club. The grant was recommended by the Parks & Recreation Commission. Mr. Kos explained that the Parks & Recreation Commission instituted a new standard of how sports affiliate grants are processed. Each sports organization must submit an application and must itemize its expenses and submit receipts.

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

Mr. Kos moved to authorize a sports affiliate in the amount of \$2,500 to the Avon Lake Recreational Swim Team. The grant was recommended by the Parks & Recreation Commission according to the new grant application procedure.

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

Mr. Kos moved to authorize a sport affiliate grant in the amount of \$1000 to the Avon Lake Wrestling Club. The grant was recommended by the Parks & Recreation Commission according to the new grant application procedure.

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

Mr. Kos moved to confirm the Mayor's appointment of Georganne Wolnowski to the Parks & Recreation Commission effective March 9, 2015 expiring December 31, 2015. Mrs. Wolnowski will fill the Ward IV vacancy on the Commission.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Absent: James
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 stock transfer for Wild Wings Grill & Bar. The Police Chief has no objections to the transfer.

Yes: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Absent: James

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Motion carried.

Mr. Kos moved to authorize the purchase of a reservation system for the Recreation Department from Peak Software Systems, Inc. in the amount of \$12,445. This will streamline the on-line reservation system.

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved authorize the Mayor to sign a drainage ditch agreement granting the City authority to clean a portion of Gable Ditch south of Walker Road over property owned by Kopf Construction. This is a critical project to increase the flow of water. It is also the spillway from Pine Meadows/Bridgeside retention basin.

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

Absent: James

Motion carried.

Mr. Meiners moved to authorize the Public Works Director to advertise for bids to purchase three vehicles for the Public Works Department. Two F300 pick-up trucks and one F450 dump truck will be purchased. All three vehicles will be equipped with snow plows. A quote was received that was substantially lower than the State purchasing price, but according to the Avon Lake Charter, the purchase must be bid if the purchase is not being made through the State purchasing program.

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

No: None

Absent: James

Motion carried.

Mr. Shondel moved to authorize the Mayor to sign the final version of the Avon Lake Deer Management Proposal dated March 6, 2015. This will allow deer tags to be issued by the Division of Wildlife for deer culling on City owned property. Mr. Kos stated that he will not support this motion or the deer legislation on the agenda because he believes it is a gateway to the use of firearms on private property.

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

No: Kos

Absent: James

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10446, AN ORDINANCE AMENDING SECTION 1218.02, 1218.03, 1218.03, 1218.04, and 1218.05 OF THE CODIFIED ORDINANCES, AND ADDING SECTION 1218.06 TO THE CODIFIED ORDINANCES TO CLARIFY THE ZONING AMENDMENTS PROCEDURE, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10446. This ordinance will bring consistency to the language in the mapping and procedure policy for amendments to the Planning & Zoning Code.

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

No: None

Absent: James

Motion carried.

Ordinance No. 26-2015 adopted.

Temporary Legislation #10459R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.06 (e) (2), AND SECTION 230.01 (b), was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10459R. Section 260.06 (e) (2) and Section 230.01 (b) grant 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.

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

No: None

Absent: James

Motion carried.

Ordinance No. 27-2015 adopted.

Second Readings:

Temporary Legislation #10463, AN ORDINANCE AMENDING ORDINANCE NO. 19-2015 CONFIRMING THE APPOINTMENT OF MARY KRUPAR TO THE POSITION OF SECRETARY TO THE MAYOR, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Krupar's appointment was recently approved. During the hiring process, it was agreed that Mrs. Krupar would receive two weeks paid vacation to be prorated from her date of hire plus two personal days; these benefits were not included in the hiring ordinance. The amendment is necessary to authorize the vacation and personal days.

Temporary Legislation #10464, AN ORDINANCE AMENDING SECTION 618.12 OF THE CODIFIED ORDINANCES TO ALLOW THE CULLING OF DEER ON PROPERTY OWNED OR MANAGED BY THE CITY OF AVON LAKE THROUGH THE USE OF SHARP SHOOTERS AND PROHIBIT INTERFERENCE WITH SUCH CULLING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Kos

Absent: James

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10464. The amendment to Section 618.12 will allow the use of sharp shooters that are Federal or State agency employees. Section (h) has various provisions that prohibit activities that might hinder the sharp shooters or scare away the deer.

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

No: Kos

Absent: James

Motion carried.

Ordinance No. 28-2015 adopted.

Temporary Legislation #10465, AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, RELATED TO THE DEER MANAGEMENT PLAN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Kos

Absent: James

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10465. This ordinance authorizes the Mayor to sign the Cooperative Service Agreement with the U.S. Department of Agriculture, Wildlife Services Division, to carry out the culling authorized by the Ohio Department of Wildlife in the previously adopted legislation.

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

No: Kos

Absent: James

Motion carried.

Ordinance No. 29-2015 adopted.

Temporary Legislation #10466R, AN ORDINANCE AUTHORIZING THE PURCHASE OF TURN OUT GEAR 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: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Absent: James
Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10466R. Six sets of turn out gear will be purchased in the amount of \$19,746. The items will be purchased from Warren Fire Equipment through the State Purchasing Program.

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

Ordinance No. 30-2015 adopted.

First Readings:

Temporary Legislation #10468, 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: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Absent: James
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10468. The Finance Director determined certain transfers of funds are necessary for the expenses of the City.

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

Ordinance No. 32- 2015 adopted.

Temporary Legislation #10469, AN ORDINANCE AMENDING CODIFIED ORDINANCE 208.01 (e) (14) POOL FEES, AND DECLARING AN EMERGENCY, was read by title o only.

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

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

No: None

Absent: James

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10469. The Parks & Recreation Commission recommended raising the fees for season passes by \$10.00. The changes are significant as prices will be reflected in the size of a family and the time of year the pass is purchased. Families of two or three will get a price break because previously they were charged the same as larger families. The new structure will be more equitable for smaller families. The recommended fee structure will generate more revenue.

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

No: None

Absent: James

Motion carried.

Ordinance No. 33-2015 adopted.

Temporary Legislation #10470, A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY ABK LIMITED THE SUCCESSOR AND INTEREST TO ALAN A. AND BARBARA A. KLINGSHIRN TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

ABK Limited submitted an application to have 49.10 acres of land owned by the corporation designated as being located within an agricultural district for tax benefits. The gross income over the past year has been in excess of \$2500 for agricultural products. A Public Hearing was held earlier in the meeting.

Temporary Legislation #10471, A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY LNK LIMITED ALSO KNOWN AS LEE AND NANCY KLINGSHIRN TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

LNK Limited submitted an application to have 4.78 acres of land owned by the corporation designated as being located within an agricultural district for tax benefits. The gross income over the past year has been in excess of \$2500 for agricultural products. A Public Hearing was held earlier in the meeting.

Temporary Legislation 10472, AN ORDINANCE CONFIRMING THE APPOINTMENT OF EDWARD WARD AS EQUIPMENT OPERATOR IN THE

PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Ward has been working in the position of Equipment Operator in Training. The Public Works Director recommended Mr. Ward for the promotion.

Temporary Legislation #10473, AN ORDINANCE AWARDDING A CONTRACT FOR THE 2015 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director recommended Precision Paving Inc. which submitted the lowest and best responsive bid in the amount of \$579,068.05 including the alternate to do repairs on Walker Road and Avon Belden Road. The bid is within the budgeted amount.

Temporary Legislation #10474, AN ORDINANCE AWARDDING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

It is necessary to dredge sand from the boat launch area at Miller Road Park annually. The Public Works Director recommended awarding the contract to J-Way Trucking for an amount not to exceed \$47,845.00.

Temporary Legislation #10475, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH GO2IT GROUP FOR INFORMATION TECHNOLOGY MANAGED SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

The contract with GO2IT expires March 31, 2015. The Finance Director recommends renewing the contract. GO2IT agreed to extend the current contract for one year under the current terms and price.

Temporary Legislation #10476, AN ORDINANCE ESTABLISHING THE SALARIES OF THE MEMBERS OF COUNCIL OF THE MUNICIPALITY OF AVON LAKE, OHIO IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL CHARTER, was read by title only.

The Human Resources Committee recommended a salary increase for Council members. Mr. Shondel read a list of reasons for adjusting the salaries of Council members to \$12,000 annually. Mr. Shondel stated that the Council President's salary would be considered once this ordinance is approved. Mr. O'Donnell asked Mr. Shondel to reconsider and consider the Present's salary and the Council salaries together. Traditionally, the Council President's salary and the Council members' salaries have been considered under one ordinance and not separately. Mr. Meiners stated that the Council President has traditionally received a higher salary than the Council members due to the increased responsibilities.

Temporary Legislation #10477, AN ORDINANCE AUTHORIZING A SPORTS AFFILIATE GRANT TO THE AVON LAKE SOCCER ORGANIZATION, AND DECLARING AN EMERGENCY, was read by title only.

The Parks & Recreation Commission recommended a sports affiliate grant to the soccer organization in the amount of \$15,000.

Temporary Legislation #10478, AN ORDINANCE ENACTING CHAPTER 662 OF THE CODIFIED ORDINANCES TO PROVIDE FOR THE RECOVERY OF COSTS TO RESPOND TO AND ABATE NUISANCE ACTIVITIES.

This ordinance will provide for the recovery of costs to respond to and abate repeated nuisance activities. The ordinance also provides for due process in the event the person who is being charged wishes to appeal the costs. Mr. O'Donnell stated that the ordinance was generated by him due to concerns from residents regarding homes that have repeated nuisance problems and disturbances. It is hoped that by charging the costs to the property owner, the behavior causing the nuisance or disturbance will stop. To qualify as a nuisance activity, either a citation has been issued, an arrest has been made, or a conviction has been obtained. The monetary penalty would be the actual cost of responding by City personnel and vehicles.

Temporary Legislation #10479, AN ORDINANCE FIXING A PAY RANGE OR AVON LAKE REGIONAL WATER INSPECTORS, AND DECLARING AN EMERGENCY, was read by title only.

The Chief Utilities Executive recommended a pay range of \$16.00 - \$26.00 per hour for the position of Avon Lake Regional Water Inspectors.

Temporary Legislation #10480, AN ORDINANCE ALLOWING WINE TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE DAY FESTIVAL TO BE HELD AT VETERANS MEMORIAL PARK ON JUNE 20, 2015, AND DECLARING AN EMERGENCY, was read by title only.

It is necessary to obtain a one day liquor permit from the Division of Liquor Control for the wine festival. Since alcohol is not permitted in City parks, Council approval is necessary. The Safety Committee recommended that wine be permitted in the park for the one day festival.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENT

Mrs. Fenderbosch asked that anyone interested in participating in the Memorial Day Parade contact her or the American Legion Post 211, which is the sponsor of the parade. The parade organizers are trying to locate "Blue Star Mothers", mothers who have sons or daughters who are serving in the armed forces; they will be honored at the parade. Political campaigning will not be permitted in the parade. Nine Avon Lake graduates who have died in the line of duty will be honored. Mr.

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Shondel is seeking information on George Price who was President of the Class of 1940.

Mr. Kos congratulated the fifth/sixth grade basketball team which he coached.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, asked about the location of the addition at St. Joseph's Church. Mrs. Fenderbosch stated that it will be off the parking lot on the Electric Boulevard side.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Absent: James

Motion carried.

Adjournment: 9:14 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council