

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 13, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on April 13, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Meiners 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 Steve Presley; Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

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

APPOINTMENT OF A FIRE DEPARTMENT LIEUTENANT

Temporary Legislation #10495, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A LIEUTENANT 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: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10495. Mr. Betsa passed all Civil Service tests and has been recommended for the position by Fire Chief Huerner.

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

No: None

Motion carried.

Ordinance No. 57-2015 adopted.

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

Mr. Meiners moved to adjourn to the Collective Committee Meeting.

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

No: None

Motion carried.

RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 8:25 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; Finance Director Steve Presley; Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

CORRESPONDENCE

Ellyn Nicholas, Sports and Special Events Coordinator, submitted her letter of resignation effective April 16, 2015.

Raymond Donsante requested suspension of the rule requiring three readings and emergency passage for approval of the re-subdivision plat at 109 Brookfield Road.

Avon Lake Regional Water requested suspension of the rule requiring three readings and emergency passage of the conditional use site plan for their improvement project.

Dennis Clough, Mayor of the City of Westlake, commended the Avon Lake Fire Department for their assistance with a fire in Westlake was read in its entirety.

MAYOR'S REPORT

There will not be a primary election on May 5, 2015 in Avon Lake. The incumbent ward Council members will be automatically reelected since they are running unopposed. Since only two candidates filed for the mayoral election, there is no need for a primary.

The Mayor and Mr. Bucci attended the public hearing for the proposed NRG natural gas pipeline held April 9, 2015 at Lorain County Community College. They both stressed the importance of the power plant to the City, schools, public library, and other institutions in Lorain County. The Power Siting Board will meet later this month to review testimony and make a decision on the project.

The Avon Lake Business Expo will be held April 30, 2015 at Towne Center Main Street, 500 Community Drive. Approximately 50 area businesses will be represented.

The Kiwanis Club is celebrating its 100th anniversary. In honor of the anniversary volunteers began spring clean-up of Safety Town, City parks, and the Kopf Reservation. The organization has supported many local projects. Memorial Day will be celebrated with a parade, a memorial service at the cemetery, and a program honoring those who have served in the armed forces.

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The Wine Festival will be held June 20th at Veterans Memorial Park.

Independence Day will be celebrated on July 2nd at Weiss Field with entertainment and fireworks.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for April 20th and the next regular Council meeting is scheduled for April 27th.

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.

The Walker Road Ad Hoc Committee meeting is scheduled for April 21, 2015 at 6:00 P.M. at Bay Village City Hall. The purpose of the meeting is to discuss deer management at Walker Road Park. Geoff Westerfield of the Department of Wildlife will be in attendance.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department update was distributed.

Due to ice on Lake Erie, the Army Corps of Engineers extended the permit to dredge sand at the boat launch.

The third annual "Hooks for Hunger" fishing tournament will be held July 11th at Miller Road Park. All proceeds are donated to Community Resource Services.

Republic Services will not collect trash in black bags since that is considered as extra trash. Bulk pick-up for large items occurs on the second Monday of the month. Some residents pay a higher premium for unlimited collection.

LAW DIRECTOR REPORT

The Law Department update was distributed.

FINANCE DIRECTOR'S REPORT

Mr. Presley announced once all bids for repair to the Folger Home are received they will be submitted to the insurance carrier. Hopefully the repair work will be completed by mid-May. All events prior to that date have been cancelled.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Shondel announced the Environmental Committee is pleased with the results of the deer culling by sharp shooters at Weiss Field; 16 deer were safely taken. The culling at the closed landfill concluded April 11th; three deer were safely taken. A full report of the 19 deer taken, costs, and the amount of ground venison taken to Second Harvest of north central Ohio will be available in early May.

Mr. Reitz reported on the vehicle propane conversion program. The Police Department Tahoe that had been converted had a regulator, a fuse, and injection nozzles replaced. There have been no problems with the ALRW propane vehicle.

PUBLIC UTILITIES COMMITTEE REPORT

The Avon Lake website has information on how to report cable pedestals that are in disrepair.

Before digging on property, owners should call 811 to have any underground cables located.

SAFETY COMMITTEE

The Safety Committee is scheduled to meet April 22, 2016 at 6:15 P.M. in the Council Conference Room.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the items discussed at the April 9, 2015 meeting of the Sewer Committee.

The next meeting of the Sewer Committee is scheduled for May 14, 2015 at 6:30 P.M. in the Public Works Conference Room.

ZONING BOARD OF APPEALS REPORT

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

HISTORICAL PRESERVATION COMMISSION

The Commission approved a Certificate of Appropriateness for the proposed structural remodeling of the Folger Home. The Commission also approved a new proposal for landmark designation of the Anson Titus House on Lake Road.

MOTIONS

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 Buffalo Wild Wings. The Police Chief has no objection to the stock transfer.

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

No: None

Motion carried.

Mr. Bucci moved to accept the resignation of Ellyn Nicholas, Sports and Special Events Coordinator, effective April 16, 2015.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10476R, 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.

Mr. Shondel moved for passage of Temporary Legislation #10476R. The Human Resources Committee recommended salary increases for Council members; Council members have not had an increase since 2008. Mr. Shondel read a list of reasons for adjusting the salaries of Council members to \$12,000 annually and the salary of the Council President to \$14,000 annually. The salary increases will take effect January 1, 2016. Mrs. Fenderbosch stated she will not support the ordinance because she feels elected officials should not vote on their own wage increases; their salaries should be determined by an outside ad hoc committee. Mr. Kos expressed his support for the ordinance and discussed the duties and time commitment of Council members. Mr. Bucci stated that he feels present Council salaries are sufficient. Mr. O'Donnell expressed his support for the ordinance and discussed the time commitment of Council members and the many meetings Council members attend in addition to the regular Council meetings. He also discussed the many projects and accomplishments Council has achieved to save the City money and provide for more efficiency in services.

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

No: Bucci, Fenderbosch

Motion carried.

Ordinance No. 53-2015 adopted.

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.

Mr. O'Donnell moved for passage of Temporary Legislation #10478. This ordinance will provide for the recovery of costs to respond to and abate repeated nuisance activities. The ordinance also provides for due process to allow for an appeal process for the person who is being charged. 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. The following reasons would qualify for nuisance activity: 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.

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

No: None

Motion carried.

Ordinance No. 54-2015 adopted.

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

Mr. Bucci moved for passage of Temporary Legislation #10479R. The Board of Municipal Utilities recommended a pay range of \$16.00 - \$26.00 per hour for the position of Avon Lake Regional Water Inspector. The rate will be retroactive to January 1, 2015.

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

No: None

Motion carried.

Ordinance No. 55-2015 adopted.

Second Readings:

Temporary Legislation #10482, AN ORDINANCE ESTABLISHING HOLIDAY PAY FOR THE POSITIONS OF PART-TIME POLICE OFFICERS AND PART-TIME DISPATCHERS IN THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Currently the part-time Police Officers and Dispatchers receive their regular hourly wage when they work on holidays. The proposal is to increase their wages by time and one-half of their hourly rates when they work on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, and Christmas Day. This will help the Police Chief

when trying to schedule part-time Officers and Dispatchers to work on holidays. This will still be more cost effective than having a full-time Police Officer or Dispatcher work on a holiday.

Temporary Legislation #10483, AN ORDINANCE FIXING A PAY RANGE FOR DIAL-A-BUS VAN DRIVERS IN THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Human Resources Committee recommended a pay range of \$14.00 to \$16.00 per hour. The Public Works Director would like to hire an additional driver and suggested increasing the salary in order to attract competent drivers.

Temporary Legislation #10492, AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10492. American Legal Publishing completed the editing and updates of the Codified Ordinances for any amendments that occurred in 2014. This ordinance will accept the updates.

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

No: None

Motion carried.

Ordinance No. 56-2015 adopted.

First Readings:

Temporary Legislation #10496, AN ORDINANCE APPROVING THE RE-SUBDIVISION PLAT FOR 109 BROOKFIELD ROAD, AND DECLARING AN EMERGENCY, was read by title only.

The property owner requested approval to subdivide three parcels of land and combine them to make two buildable lots. Planning Commission recommended the re-subdivision to Council for approval. The property owner requested suspension of the rule requiring three readings and emergency passage at the second reading since he has a potential buyer and this is the prime sale and building season.

Temporary Legislation #10497, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR WATER STORAGE WELLS AND A PUMPING FACILITY AT 33370 LAKE ROAD, AND DECLARING AN EMERGENCY, was read by title only.

Avon Lake Regional Water (ALRW) submitted a request for a conditional use site plan to construct a two million gallon water storage well and a pumping facility at 33370 Lake Road. Planning Commission approved the request with the condition that landscaping be installed as approved by the Planning Commission Secretary. The original purchase agreement of the land stated that the land would be used for municipal utilities facilities. ALRW will apply for a zero interest loan for the project and requested emergency passage at the second reading to meet the deadline for the loan application.

Temporary Legislation #10498, AN ORDINANCE REPEALING SECTION 288.04 OF THE CODIFIED ORDINANCES PERTAINING TO THE CITY'S PUBLIC RECORDS POLICY.

The Law Director determined there are some inconsistencies between the Ohio Revised Code and the Avon Lake Codified Ordinances regarding the timeliness in responding to public records requests. The Law Director recommends deleting the Avon Lake Public Records Policy from the Codified Ordinances; he will have a new policy drafted before the final reading. It is the intention to have public records requests filled upon the request if they are readily available. In the instance where a large volume of records are requested, it may take some time to gather the records.

Temporary Legislation #10499, 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: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos
No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10499. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

Ordinance No. 58-2015 adopted.

PUBLIC INPUT

Curtis Weems, 350 Greenbriar Drive, expressed his opposition to the salary increases for Council.

EXECUTIVE SESSION

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

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

No: None

Motion carried.

Adjournment: 9:38 P.M.

RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 10:37 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

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 10:38 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council