

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 27, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on April 27, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. O'Donnell 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: Mr. James

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

APPROVAL OF MINUTES

The minutes of the April 13, 2015 Regular Council Meeting were approved as prepared and published.

PUBLIC HEARING

A public hearing was called to order at 7:32 P.M. upon the designation of the Dunning Home located at 240 Jaycox Road as a historic landmark. John and Glendalee Burns, the current owners of the property, applied to the Avon Lake Historical Preservation Commission to have the home declared a historic landmark. The property was part of a 150 acre land grant deeded in 1843. Planning Commission reviewed the application and recommended it to Council for approval.

The public hearing was closed at 7:34 P.M.

MAYOR'S REPORT

Every quarter the Mayor attends the "Community Positive Choices" session at the Avon Lake High School which includes representatives from the Police and Fire Departments, LCADA, the Avon Lake High School Principal and members of her staff. They will discuss the situations in Avon Lake dealing with drug and alcohol abuse.

An awareness program called "Hidden in Plain Sight" will be held on May 12, 2015 at Brookside High School. There will be a hands on exhibit and a power point presentation to demonstrate how individuals hide various items that might be indicative of dangerous and risky behavior. Topics include substance abuse, violence, eating disorders, juvenile crime, risky games, and more.

On May 14, 2015 there will be a program called, "Keeping our Children Safe" at Lorain County Community College at 7:30 P.M. A father who lost a child at the Sandy Hook Elementary School will be a speaker along with the County Coroner, and a representative from the County Sherriff's office.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for May 4th and the next regular Council meeting is scheduled for May 11th.

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.

Mrs. Fenderbosch reported that Coastal Management is requiring that erosion prevention be installed at the bluffs at North Point Drive and Veterans Memorial Park. The number one remedy is to plant native plants within the cap and the top 10 to 12 feet going down the bluff. On May 13th at 1:00 P.M. at the Avon Lake Public Library a public forum will be held with Public Works Director Reitz, Coastal Management, ODNR, the Cleveland Natural History Museum, and the Avon Lake Garden Club regarding the erosion control measures.

Mr. Kos asked Mr. Reitz to inquire why Republic Service did not collect trash on portions of Lake Road on April 27th.

LAW DIRECTOR REPORT

The Law Department update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet May 13, 2015 at 6:00 P.M.

Mr. Reitz reported on the vehicle propane conversion program. The Police Department Tahoe has had ongoing issues with propane operation. Currently a computer control module has been replaced but there are still issues with the vehicle. A technician from the conversion company will come to Avon Lake on Wednesday to replace the engine wiring harness. All repairs are under warranty.

Mrs. Fenderbosch stated that she contacted Clean Fuels Ohio and was told there haven't been any issues with other Tahoe propane vehicles. If the issue is not

resolved they will be in touch with the National Renewable Energy Laboratory to find a solution.

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.

The NOPEC bi-annual opt-out letter has been sent. If customers do not return the card, they will remain in the NOPEC program.

The Public Utilities Committee is scheduled to meet May 7, 2015 at 6:00 P.M.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the results of the April 22nd Safety Committee meeting.

SEWER COMMITTEE REPORT

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 April 22, 2015 Zoning Board of Appeals meeting.

WALKER ROAD PARK AD HOC COMMITTEE

The Walker Road Park Ad Hoc Committee met on April 21, 2015 at the Bay Village City Hall. Mr. O'Donnell reported on the discussions regarding deer management at Walker Road Park.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet May 4, 2015 at 6:15 P.M. in the Council Conference Room.

MOTIONS

Mr. O'Donnell moved to accept a donation from C & S Photography in the amount of \$723.56. The donation will be used for Recreation Department programming.

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

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No: None
Absent: James
Motion carried.

Mr. O'Donnell moved to accept a donation from the CYO in the amount of \$300.00. The donation will be used for Recreation Department programming.

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

Mr. Bucci moved to accept the retirement of Fred Berner, Firefighter/Paramedic, effective July 5, 2015.

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

Mr. O'Donnell moved to authorize a contract with Zambelli Fireworks not to exceed \$14,000 pending approval by the Law Director. The fireworks display will be part of the Independence Day celebration to be held July 2nd.

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

Mr. Meiners moved to authorize the Mayor to execute a contract with Thomas Reuters (Westlaw) for an amount of \$10,117.68 for a three-year period commencing May 1, 2015. They will continue to provide the City with ongoing legal research services. Through the contract, the City will also receive a discounted rate on the company's printed publications.

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

LEGISLATION

Third 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.

Mr. Bucci moved for passage of Temporary Legislation #10482. 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.

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

No: None

Absent: James

Motion carried.

Ordinance No. 59-2015 adopted.

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.

Mr. Bucci moved for passage of Temporary Legislation #10483. 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.

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

No: None

Absent: James

Motion carried.

Ordinance No. 60-2015 adopted.

Second Readings:

Temporary Legislation #10488, AN ORDINANCE DESIGNATING THE DUNNING HOME LOCATED AT 244 JAYCOX ROAD AS A HISTORIC LANDMARK, was read by title only.

Tom and Glendalee Burns applied for historic designation of their home located at 240 Jaycox Road. The home was built in the 1800's. It is located on the northern most part of the original 150 acre property. The Historical Preservation Commission recommended that the home be granted historic landmark designation.

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

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10496. 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.

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

No: None

Absent: James

Motion carried.

Ordinance No. 61-2015 adopted.

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.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10497. 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.

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

No: None

Absent: James

Motion carried.

Ordinance No. 62-2015 adopted.

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.

First Reading:

Temporary Legislation #10500, AN ORDINANCE AWARDED A CONTRACT TO GO2IT GROUP FOR THE VIRTUAL SERVER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10500. The virtual server system will eliminate five individual servers at City Hall which are antiquated. The new server will allow for the system to continue running if one of the blades within the system should fail so departments will not experience any down time. This virtual server technology will allow for better operations within the departments. Once the new system is in place, the new software for the Finance Department will be installed.

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

No: None

Absent: James

Motion carried.

Ordinance No. 63-2015 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

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Mr. Kos and Public Works Director Reitz gave a presentation to the Lively Avon Lakers on April 15th regarding the NRG natural gas line proposal, the west end redevelopment proposal, and the reductions in property taxes for NRG.

Residents interested in participating in the Memorial Day celebration should contact Mrs. Fenderbosch, Mr. Meiners, or Mr. Shondel.

The minutes of the Walker Road Park Ad Hoc Committee meeting are available from the Bay Village Clerk of Council.

Gary Clausen conducted a seminar for the visually impaired at Independence Village on April 24th. One of the vendors at the event was a representative from the Veterans Administration and would like to appear at a Work Session to give a summary of the benefits available.

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.

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

No: None

Motion carried.

Adjournment: 8:26 P.M.

RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 10:37 P.M.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka, Law Director Abe Lieberman.

Absent: Mr. James

Mr. Meiners moved for adjournment.

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

No: None

Absent: James

Motion carried.

Adjournment: 9:19 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council