

**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 let 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.

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 tentatively scheduled for February 17th to discuss the issuance 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 possible culling of deer at Weiss Field , and the closed landfill and to draft legislation for such.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee met on February 5th. 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 of the 7755 households that use natural gas and that were not under a current contract, not delinquent of their bills, and not on a percentage of income payment plan. The average eligible household expected was 66% or 5118, 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

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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, City Hall, and 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 July 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.

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 lease has expired and the organization was in negotiations with the Mayor for a new lease and has come to an agreement. The Law Director has 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.

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. A revision was

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made to the ordinance to reflect the conditions that were recommended by Planning Commission.

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

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.

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.

This will confirm the appointment of Jordan Stephenson as a part-time Court Security Officer and set his salary at \$20.00 per hour.

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

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.

First Readings:

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.

ADJOURNMENT

Mr. Meiners moved for adjournment.

Adjournment: 8:25 P.M.

Approved: _____

Attest: _____

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Council President

Clerk of Council