

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

The regular meeting of the Avon Lake Municipal Council was called to order on July 13, 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, 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 June 22, 2015 Regular Council Meeting were approved as prepared and published.

**APPOINTMENT OF A FIREFIGHTER/PARAMEDIC**

Temporary Legislation #10531, 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, James

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10531. Kyle Urig passed all portions of the Civil Service process and was recommended by the Fire Chief.

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

No: None

Motion carried.

**Ordinance No. 95-2015 adopted.**

Temporary Legislation #10532, 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, James

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10532. Brian Wood passed all portions of the Civil Service process and was recommended by the Fire Chief.

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

No: None

Motion carried.

**Ordinance No. 96-2015 adopted.**

Law Director Lieberman administered the Oath of Office to Mr. Urig and Mr. Wood.

## **PROCLAMATION**

Mayor Zilka read a proclamation recognizing Emma Jankowski, a National Spelling Bee participant.

## **CORRESPONDENCE**

Mayor Zilka submitted a letter vetoing Temporary Legislation #10506, establishing the full-time position of Economic Development Director.

## **MAYOR'S REPORT**

For the past two years Mayor Zilka has discussed the ongoing battle of opiate addiction across the nation. In the Sunday *New York Times* there was an article about families facing this disease by speaking candidly of the loss of a family member or loved one by including that information in the obituary. One of the families featured in the article was an Avon Lake family who lost their son earlier in the year. Families are speaking out and it has raised the awareness of prescription opiate addiction and heroin abuse.

Nikki Schroeder qualified for the U.S. Women's Golf Open. She missed the cut by only three strokes. She will attend Ohio State University in the fall.

Hooks for Hunger held its third annual fishing tournament July 11<sup>th</sup> and raised over \$8000 for Community Resource Services.

On Friday there will be a press conference with several businesses in Avon Lake which will receive checks for expansion or increase in activity as part of the Jobs Growth Incentive Program. The event will take place at Thogus Products at 1:00 P.M. on July 17, 2015. Thogus, Western Enterprise, and Sisters & Co. Beauty Salon will receive checks totaling 25% on the increased income taxes paid by the employees compared to the previous year.

The Independence Day celebration was a big success due to the efforts of several City departments, the Baseball Federation, and the American Legion Post 211.

Ford Motor Company is planning a ribbon cutting ceremony for the production of the new Ford F650/750 truck in early August.

At Bleser Park, a young man wearing catcher's protection was hit by a pitch and his heart stopped momentarily. Due to quick response he was revived and is doing well. The administration will look into having defibrillators at all recreation parks.

### **COUNCIL PRESIDENT'S REPORT**

Council will be on recess from July 14 through August 16<sup>th</sup>. The next Collective Committee meeting is scheduled for August 17<sup>th</sup> and the next regular Council meeting is scheduled for August 24<sup>th</sup>.

Two motions will be added to the agenda at the motion portion of the meeting.

### **PUBLIC WORKS DIRECTOR REPORT**

The Public Works Department update was distributed.

Mr. James reported that Resatar Park has suffered some damage and inquired about the status of repair to the park. Mr. Reitz stated an outside firm has been contracted to perform asphalt overlay and it should be completed in the next two weeks.

Mr. Meiners stated that Ward 3 had significant flooding from recent storms. He stated that Mr. Reitz informed him that he needs a vac truck to get water out of basements, at a cost of \$250,000. He will also need two additional laborers to operate the equipment. The truck would also be used during leaf season for leaf pick-up. Mr. Reitz also would like a camera to video the sewers at a cost of \$70,000. Two new hires would cost approximately \$100,000. Mr. Meiners stated he would vote against the appointment of a Recreation Department Programmer and an Economic Development Director because he wants those funds to go toward the expenditures of the vac truck and camera. He suggested that the Mayor have a public forum to discuss a game plan for dealing with flooding. Without a game plan, nothing will be done to help the residents of Avon Lake. These issues traverse the Public Service Committee, Finance Committee, and Sewer Committee. Mr. Meiners vowed that he will not vote for any budget that does not include the the vac truck and camera, or any budget that includes the Recreation Department position or the Economic Development Director position.

Mr. O'Donnell stated that the Sewer Committee met for about four hours listening to residents who had flooding in their homes. He said there is a plan and money is in the budget to deal with the flooding issues. There is an education process to help homeowners and help them avoid future problems.

Mr. Kos asked Mr. Reitz for an update on catch basins on Mooreland. Mr. Reitz stated the sewer on Mooreland between Redwood and Electric will be videotaped.

The video firm is working in other areas as well. The intention is to videotape the sewers and clean them so the conditions can be documented to show where repairs are needed. This will be an ongoing system.

### **LAW DIRECTOR'S REPORT**

The Law Department update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel reported on the items discussed at the July 8, 2015 meeting of the Environmental Committee.

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. Interested residents should send a letter of interest and resume to the Clerk of Council.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported on the items discussed at the July 8, 2015 meeting of the Public Utilities Committee meeting.

### **SAFETY COMMITTEE REPORT**

Mr. Kos reported on the dangerous dog ordinance discussed at the July 13, 2015 meeting of the Safety Committee.

Mr. Kos reported on the progress of the Crosswalk Project being conducted by Erin Litzler and Samantha Loar as part of their Girl Scout Silver Award.

### **SEWER COMMITTEE REPORT**

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

Mr. Meiners asked Mrs. Fenderbosch if the Sewer Committee discussed obtaining a vac truck and camera as requested by Mr. Reitz. Mrs. Fenderbosch stated that Avon Lake Regional Water has a vac truck and camera that they have given to the City in the past and they will be going to the Board for approval for the City to use the equipment at no charge. Mr. Meiners stated that it is an old truck that needs a new bed. Mr. O'Donnell stated that a motion is on the agenda to authorize the advertisement of bids for a new vac body for the old truck. He further stated that Mr.

Reitz has what he needs for now and any other request must go before Council and be budgeted.

Mrs. Fenderbosch stated that in the past years there have been three other trucks that Avon Lake Regional Water has given to the City to use. This would be the fourth one.

## **PLANNING COMMISSION REPORT**

Mrs. Fenderbosch reported on the results of the July 7, 2015 Planning Commission meeting.

## **MOTIONS**

Mr. James moved to add a motion to the agenda authorizing the Public Works Director to advertise for bids for a vacuum truck bed. This is an imminent need that has arisen.

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

No: Meiners

Motion carried.

Mr. James moved to add a motion to enter into Executive Session relating to the employment, dismissal, or discipline of a public employee.

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

No: None

Motion carried.

Mr. James moved to authorize the Public Works Director to solicit bids for the purchase of a vacuum truck bed. The Public Works Department is coordinating with Avon Lake Regional Water to use their truck which needs repairs.

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

No: Meiners

Motion carried.

## **LEGISLATION**

### Reconsideration

Temporary Legislation #10506, AN ORDINANCE ESTABLISHING THE FULL-TIME POSITION OF ECONOMIC DEVELOPMENT DIRECTOR.

Mr. Bucci moved to override the Mayor's veto of Temporary Legislation #10506. Mr. Bucci stated that this is a unique situation since there hasn't been a mayoral veto since 2003. Mr. Bucci stated that when he first came on Council, the first thing he

did was work with then Council President Zilka to create an Economic Development Committee to focus on economic development. Since then, the Committee has developed the Jobs Growth Incentive Program which incentivizes businesses to grow and remain in Avon Lake. The Committee created the part-time position of Business Liaison. The Business Liaison was meant to canvass businesses and get a feel of what the City could do to assist them. The Committee created the Community Improvement Corporation to institute a low interest loan program for small businesses. The Committee also created the West End Redevelopment Commission composed of residents and elected officials to focus on the west end of Avon Lake and to deal with the potential closure of the NRG facility. Based on the work of the Commission, there is a vision statement and master plan of how to develop the west end of Avon Lake. There has been continual discussion at the Economic Development Committee meetings about how to handle economic development. Ultimately, the Committee voted unanimously to create the full-time Economic Development Director position. The Director would have department head status and would be appointed by the Mayor with the approval of Council. Mr. Bucci stated that on February 1, 2015 he drafted a three-page memo discussing the items an Economic Development Director could work on which would require an excess of 40 hours per week. The Mayor opted to veto the ordinance creating the full-time position. Mr. Bucci stated it is the Mayor's right under the Charter and it is his duty to use the veto power if he feels strongly about an issue. It is also Council's right and duty to override his veto. Mr. Bucci stated that what concerns him in the Mayor's veto letter is the level of pessimism. In the letter, the Mayor stated that to pay for the full-time position which is going to cost \$100,000, 140 jobs would have to be created that pay \$50,000. Mr. Bucci stated that the salary has not been established at \$100,000 and the creation of 140 jobs would be a starting point. He urged Council to override the veto.

Mr. Kos stated that this is the first mayoral veto since 2003 and that speaks to how strongly the Mayor believes that the position should begin at a part-time level and grow to a full-time level if needed. Mr. Kos stated that he is not against an Economic Development Director and that the City needs one. He applauded the Economic Development Committee for taking the lead, but feels it should start as a part-time position.

Mrs. Fenderbosch referred to comments by the Mayor, Mr. Meiners, and Mr. Kos that communities the size of Avon Lake just don't have full-time Economic Development Directors. She named 13 area communities of comparable size to Avon Lake that have full-time Economic Development Directors.

Mr. Meiners stated that he never said the City does not need an Economic Development Director. The reason he voted against the position is because the City cannot afford it. No one has told him how it would be financed. He repeated that he will not vote for the 2016 budget if it includes the position. Mr. Meiners agreed with Mr. Kos that the City needs a part-time Director.

Mayor Zilka stated there is a common goal for the expansion and development of the City's economic base. The disagreement is on how to realize maximum growth and expansion in the most cost effective manner. As a member of Team Lorain County, the Mayor stated that he has worked with the organization to help implement an economic development plan as designed by the Governor's office to utilize the structure of Team NEO and Jobs Ohio. Team NEO is a regional private sector organization that markets northeast Ohio to the world and collaborates with its partners and others to attract new businesses and help those that are here to grow. The most obvious success locally is with the retention of the Ford Motor Company Assembly Plant. The efforts of Jobs Ohio working in concert with Team NEO and Team Lorain County and the United Auto Workers Local helped retain that facility and 1400 jobs. The economic climate in 2009, 2010, and 2011 was dire as industrial states like Ohio experienced job losses in record numbers. In the past few years, there has been significant growth in PolyOne, Lubrizol, and other smaller companies located in Avon Lake. PolyOne sold off part of its operation to Mexichem which has proven to be very successful. Catamaran, a mail-order drug firm, quietly located in Avon Lake and has a significant payroll. Thanks to Jobs Ohio and Team Lorain County, NRG is staying open using natural gas. A furniture manufacturer was focusing on Avon Lake and other Lorain County locations based on information provided by Team Lorain County and Team NEO. Avon Lake was crossed off the list for lack of a large recent immigration population and the absence of a public transportation system. These are deficiencies that hiring a full-time Economic Development Director cannot resolve. That is not pessimism; it is reality. The extension of SR 83 north is something the City has been advocating for years. The completion of that project would make Pin Oak Parkway a more accessible industrial area from Interstate 90. Former Avon Mayor Smith promised Avon Lake that the project would be discussed after the interchange was completed. Avon Mayor Jensen declined to consider funding the engineering required by the City of Avon to move forward with the project. Mayor Jensen informed Mayor Zilka that Avon does not have an Economic Development Director; they have a Planning Director. He suggested that Avon Lake does not need an Economic Development Director. When Avon Lake was faced with the possibility of a local firm moving out, a response team was called together which developed a package to keep the firm in Avon Lake within a 30 day deadline. This was done without a full-time Economic Development Director. The team included several people from the City, County, Team Lorain County, and Lorain Community College. Jobs Ohio became involved in the process and provided important information. The firm is still in Avon Lake showing another example of the current structure working well. The cost of creating a full-time position with the cost of PERS and benefits will exceed \$100,000. When the support staff and budget for operation is included, that amount will be much higher. In order to recoup the amount for salary and benefits, it would take a payroll of \$7 million to bring in \$100,000 of income taxes. A part-time Economic Development Director would be a wiser move.

Mr. James referred to the Mayor's reference to a salary of \$100,000 for a full-time Director. Mr. James stated that he does not know where that number has come from. No member of the Economic Development Committee has ever used that

number. This evening Council will consider a pay raise for the Business Liaison, who discharges economic development duties, to \$21,250 retroactive to September 1, 2014. No one has asked where the money will come from. To use the Mayor's math, that would require a \$1.4 million annual revenue increase and 28 employees. No one has asked if it is worth keeping her if she does not retain or create 28 jobs. The reason is because there are additional benefits to have someone in economic development other than just pure creation of jobs. As to other communities, Avon Lake needs to distinguish itself from its neighbors. Of course Mayor Jensen suggested that Avon Lake does not need an Economic Development Director because it would competition for new business. There was an article in Crain's Cleveland about micro loans. Old Brooklyn and Shaker Heights were mentioned in the article, but not Avon Lake. Avon Lake needs an Economic Development Director to grab the attention of those looking to relocate and the audience that reads publications like Crain's business. We need to promote Avon Lake's micro loan program through the Community Improvement Corporation and the Jobs Growth Incentive Program. Avon Lake should not rely necessarily on everything coming out of the County. It comes down to the question of are we going to rely on others or are we going to rely on ourselves. Someone needs to be employed full-time to be in competition for the jobs to maintain a low tax base.

Mayor Zilka said the revenue generated by Catamaran and Mexichem and the total paid to the City last year was almost \$100,000. That would cover four part-time Economic Development Directors' salaries.

Mr. Bucci referred to the Mayor's calculation that 140 jobs would have to be created with a \$7 million payroll. That would only have to be achieved once, not every year. Those jobs would continue and taxes would be paid every year. It will take some time to create those jobs. Mr. Bucci said he wants to stop the wait and see approach. He wants to be pro-active and find the companies that can base in Avon Lake. In response to Mr. Meiners comments regarding financing the position, Mr. Bucci said he has stated before that there is \$50,000 in the budget for economic development, and the City has over budgeted every year for the Jobs Growth Incentive Program; this year by \$100,000. Those funds could be applied to the full-time position.

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

No: Kos, Meiners

Motion carried.

**Mayor's veto overridden. (Ordinance No. 85-2015)**

## **PUBLIC INPUT**

With no objections from Council, Mr. O'Donnell allowed the Public Input portion of the meeting due to the length of the meeting and the fact that members of the audience had been in attendance at the Safety Committee prior to the Council meeting.

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Johnna Lyman, 32379 Orchard Park Drive, spoke about a recent attack in which her dog was killed by a neighbor's pit bull. She expressed her disappointment that she was not contacted by the Prosecutor and, therefore, was not represented at the Court case. She asked for stronger legislation for dangerous dogs.

Kathy Lieden, 32405 Orchard Park Drive, addressed Council about the pit bull attack and expressed her concern about the safety of the neighborhood. She referred to Ohio Revised Code Sections 955.11 and 955.22 as they relate to dangerous dogs. She asked for stronger legislation in Avon Lake.

Tom Lyman, 32379 Orchard Park Drive, expressed his concern regarding a dangerous dog and asked for legislation in Avon Lake similar to Ohio State law.

Bob Feiklowicz, 32387 Orchard Park Drive, referred to the recent dog attack and stated that the attack dog was uncontrollable and had broken out of its harness. He asked for legislation to address a dangerous animal.

Allan Zang, 32394 Brandon Place, asked how the Prosecutor could proceed without notifying the owners of the victim dog and giving them the opportunity to appear in Court. He asked if Avon Lake isn't already under the Ohio Revised Code dangerous dog law. He asked why the Judge did not determine the attack dog to be a dangerous animal.

Hannah Simon, 2581 Shakespeare, asked Council to not include pit bulls as a vicious breed and pointed out that not all pit bulls are dangerous.

Third Reading:

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.

Mr. O'Donnell moved for passage of Temporary Legislation #10514. 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. Once appropriate boundaries and fences are installed at the Lake House, alcohol can be consumed outside in designated areas.

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

No: None

Motion carried.

**Ordinance No. 89-2015 adopted.**

Temporary Legislation #10515, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) (16), ENTITLED LAKE HOUSE, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10515. 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.

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

No: None

Motion carried.

**Ordinance No. 90-2015 adopted.**

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.

Mr. Bucci moved for passage of Temporary Legislation #10516. 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 Department to continue with high quality programs and best serve the residents.

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

No: Meiners, James

Motion carried.

**Ordinance No. 91-2015 adopted.**

Second Readings:

Temporary Legislation #10527, AN ORDINANCE PROVIDING FOR THE RENEWAL OF THE HEALTH SERVICE CONTRACT WITH THE LORAIN CITY HEALTH DEPARTMENT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID CONTRACT, AND DECLARING AN EMERGENCY, was read by title.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10527. The City's contract for health services with the City of Lorain expires July 31<sup>st</sup>. The Mayor of Lorain proposed a one year extension of the contract at a cost of \$85,000, a \$5000 increase over last year's contract. There have been increased expenses within the

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Lorain City Health Department. Services will remain the same under the new contract.

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

No: None

Motion carried.

**Ordinance No. 92-2015 adopted.**

Temporary Legislation #10528, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE 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, James

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10528. The Police Department requested authority to donate unclaimed bicycles to the Ohio City Bicycle Co-op, which is a 501 (c) (3) organization. Unclaimed property is held for several months before it is donated.

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

No: None

Motion carried.

**Ordinance No. 93-2015 adopted.**

Temporary Legislation #10529R, AN ORDINANCE APPROVING A SALARY ADJUSTMENT FOR JANINE MACKERT, BUSINESS LIAISON, 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, James

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10529R. The administration recommended a salary increase for the Business Liaison. This ordinance will approve a salary of \$25.00 per hour retroactive to September 1, 2014.

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

No: James

Motion carried.

**Ordinance No. 94-2015 adopted.**

First Readings:

Temporary Legislation #10533, AN ORDINANCE AUTHORIZING THE PURCHASE OF A FORD FOCUS FOR THE BUILDING DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10533. The purchase will be made through the State Purchasing Program from Middletown Ford at a total cost of \$16,105.64.

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

No: None

Motion carried.

**Ordinance No. 97-2014 adopted.**

Temporary Legislation #10534, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND REPEALING RESOLUTION NO. 23-2015, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10534. This will provide a Resolution of No Interest at 33850 Lake Road. The property owner wishes to build an armor stone revetment in Lake Erie. The original authorizing Resolution is being repealed because the Division of Natural Resources required additional language.

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

No: None

Motion carried.

**Ordinance No. 98-2015 adopted.**

The Clerk of Council presented the Fiscal Officers Certificate for Temporary Legislation #10535.

Temporary Legislation #10535, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,500,000 OF NOTES IN ANTICIPATION OF THE

ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RECONSTRUCTING, GRADING, PAVING, RESURFACING, AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS AS 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: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10535. The notes will be issued under manuscript debt to pay for the street resurfacing project.

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

No: None

Motion carried.

**Ordinance No. 99-2015 adopted.**

Temporary Legislation #10536, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2016, 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, James

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10536. By this Resolution the rates of taxation will be established for all property located within the City of Avon Lake. The rates will be the same as in 2014 and 2015.

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

No: None

Motion carried.

**Ordinance No. 100-2015 adopted.**

Temporary Legislation #10537, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2015, 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, James

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No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10437. The amount of \$20,000 will be appropriated for the Municipal Court computer fund for the replacement of their server and software products.

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

No: None

Motion carried.

**Ordinance No. 101-2015 adopted.**

Temporary Legislation #10538, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10538. Twenty thousand dollars each was budgeted to have a professional engineering firm survey areas of the Powdermaker Creek and Gable Creek for easements to maintain the outlets to Lake Erie. Bramhall Engineering & Surveying submitted the best quotes as follows: Gable Creek - \$13,496; Powdermaker Creek - \$14,202.

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

No: None

Motion carried.

**Ordinance No. 102-2015 adopted.**

Temporary Legislation #10539, AN ORDINANCE AMENDING SECTION 1010.11 OF THE CODIFIED ORDINANCES, AND ADDING SECTION 1010.111 PERTAINING TO TREE LAWNS, was read by title only.

This ordinance will provide a licensing scheme to allow certain encroachments in City rights-of-way. This is necessary to receive State and Federal funding for road repaving.

Temporary Legislation #10540, AN ORDINANCE AUTHORIZING A PAYMENT TO REPUBLIC SERVICES, 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: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10540. This ordinance will authorize a payment of \$28,430.66 to Republic Services for an extra bulk pick-up. Due to recent widespread flooding in Avon Lake, it was necessary to arrange for an extra bulk pick-up for residents to dispose of ruined property.

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

No: None

Motion carried.

**Ordinance No. 103-2015 adopted.**

Temporary Legislation #10541, AN ORDINANCE AMENDING PLANNING & ZONING CODE CHAPTER 1212, ENTITLED DEFINITIONS, AND CHAPTER 1242, ENTITLED MULTI-FAMILY RESIDENTIAL DISTRICT REGULATIONS, AND DECLARING AN EMERGENCY, was read by title only.

There are new types of multi-family housing. This will permit a fee simple structure by which the individual owns the inside and outside of the property.

Temporary Legislation #10542, AN ORDINANCE AMENDING ORDINANCE NO. 131-2014 APPROVING WAGE INCREASES FOR FULL-TIME NON-BARGAINING UNIT EMPLOYEES, 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, James

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10542. Council wishes to grant the Clerk of Council a 1% salary increase in addition to the 2% increase granted to all full-time non-bargaining unit employees.

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

No: None

Motion carried.

**Ordinance No. 104-2015 adopted.**

Temporary Legislation #10543, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH CLEMANS NELSON & ASSOC., INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10543. The change order is in the amount of \$5000. The City contracts with Clemans Nelson for human resources and collective bargaining issues. The change order will cover issues that arose unexpectedly.

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

No: None

Motion carried.

**Ordinance No. 105-2015 adopted.**

**EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22, Mr. James moved to adjourn to Executive Session to discuss the discipline, appointment, and dismissal of a public employee.

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

No: None

Motion carried.

Adjournment: 9:25 P.M.

**RECONVENING OF COUNCIL MEETING**

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

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

No: None

Motion carried.

Adjournment: 10:13 P.M.

Approved: \_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Clerk of Council