

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JUNE 22, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on June 22, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. James 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 Presley, Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the June 8, 2015 Regular Council Meeting were approved as prepared and published.

APPOINTMENT OF A FIREFIGHTER/PARAMEDIC

Temporary Legislation #10526, 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: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10526. Clayton Khoma passed all portions of the Civil Service process and was recommended by the Fire Chief.

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

No: None

Motion carried.

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

PROCLAMATION

Mayor Zilka read a proclamation recognizing the Avon Lake Rugby Team for winning the 2015 Division 2 State Championship.

MAYOR'S REPORT

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Mayor Zilka congratulated the Avon Lake Waterfront Corporation for a successful wine festival on June 20th.

The Zoning Administrator has been working to notify home owners in violation of the Exterior Maintenance Code. In June, she sent out 17 tall grass notices. If property owners do not mow their yards within five days of receiving a notice, the City mows the yards and the cost is placed as a lien on the property.

Mayor Zilka requested that an Executive Session be added to the agenda to discuss the purchase of property.

COUNCIL PRESIDENT'S REPORT

June 29th is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for July 6th and the next regular Council meeting is scheduled for July 13th. That will be the last meeting before Council recess. Council will be on recess from July 14th through August 16th.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department update was distributed.

LAW DIRECTOR'S REPORT

The Law Department update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet July 8, 2015 at 6:00 P.M.

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.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet July 6, 2015 at 6:15 P.M.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee will meet, if needed, following the Environmental Committee meeting on July 8, 2015.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported on the items discussed at the June 22, 2015 Public Service Committee meeting.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet July 9, 2015 at 6:30 P.M. in the Public Works Conference Room.

PLANNING COMMISSION REPORT

Planning Commission is scheduled to meet July 7, 2015 at 7:30 P.M. in the Council Chamber.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet June 24, 2015 at 6:00 P.M.

HISTORICAL PRESERVATION COMMISSION

The start time of the June 24, 2015 meeting of the Historical Preservation Commission has been changed to 5:30 P.M.

The historical landmark dedication ceremony of the Dunning Home was held June 20th. This is the first private home to receive historical landmark designation.

MOTIONS

Mr. Meiners moved to add an Executive Session to the agenda to discuss the purchase of land.

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

No: None

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 liquor license transfer. The license will be transferred from Jenni Juggs to Avon Pizza, dba Coleones Pizza & Subs. The Police Chief has no objection to the transfer.

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

No: None

Motion carried.

Mr. Bucci moved to authorize the Finance Director to make payments to companies as part of the Jobs Growth Incentive Program. The Jobs Growth Incentive Program is an economic development tool to provide incentives to local businesses that

perform well. Over 100 companies have outperformed from last year which means they have increased their payrolls. Approximately \$98,000 of incentive payments will be made to the companies.

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

No: None

Motion carried.

Mr. Bucci moved to authorize the Finance Director to void uncashed checks that were sent to companies as part of the Jobs Growth Incentive Program. A few companies have returned their checks or did not cash them. Approximately \$5000 will be returned to the general fund.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #10506, AN ORDINANCE ESTABLISHING THE FULL-TIME POSITION OF ECONOMIC DEVELOPMENT DIRECTOR, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10506. Mr. Bucci stated there have been lengthy discussions regarding this position in committee meetings and Council meetings. He further stated that there are members of Council who think a full-time Director is needed, whereas the Mayor has been clear in his desire to hire a part-time Director instead. In either case, Mr. Bucci stated that he feels the Mayor and Council are dedicated to work together. By bringing on a full-time Director, Avon Lake is demonstrating to the community and northeast Ohio that the City is serious to overcome economic development challenges.

Mr. Kos stated that he agrees with most of Mr. Bucci's comments, but he disagrees with the need for a full-time Director. He further stated that he believes the same goals can be accomplished with a part-time Director. It is uncharted territory for a city the size of Avon Lake and where the City is with economic development. If a part-time Director is hired, the progress can be evaluated by Council and the position can grow. It would be difficult to scale back to a part-time Director if the results are not achieved by a full-time Director. Mr. Kos further stated that he disagrees with the process; the salary and job description should have been established with the creation of the position.

Mr. Meiners stated that he will vote no for the same reasons stated by Mr. Kos. He further stated that the financial impact of hiring a full-time Director has not been presented.

Mrs. Fenderbosch stated that she will vote in favor of the full-time position. She and many residents feel Avon Lake has waited too long for something like this. There is so much out there to reach for to increase the industrial tax base to put fewer burdens on the residential taxpayers. Benchmarks can be set according to jobs created, and businesses attraction and retention.

Mayor Zilka stated that he has expressed his views that a part-time Director would be in the best interests of the City. The City has been busy with regard to economic issues lately. If a part-time Director proves to be insufficient, then a full-time position can be created. There would be costs beyond the salary with a full-time Director for benefits and an operating budget. A substantial amount of jobs would have to be created to cover the cost of the full-time Director every year.

Mr. James stated that when talking to his constituents, the question invariably turns to economic development and their views that the City is not doing enough and needs to do more. He further stated that the Mayor and members of Council who favor a part-time Director have not articulated what that means. The City needs someone to spend more than 20-30 hours a week on economic development.

Mr. Bucci made the following comments. This has been a well thought out plan. The process is to create the position, and if it is approved, the job description will developed collaboratively with the Mayor. The Mayor has circulated a job description for a part-time Director which is a good starting point. With respect to the costs, there are some fixed costs that can be determined such as health care which is the same for all full-time employees and PERS which is 14.5% of the salary, and Medicare deductions. If the salary were set at this point, the City would be limited as to the candidates to be considered. In the budget process, \$50,000 was budgeted for economic development so the City would not be starting at zero for the position. The City has consistently over budgeted for the Jobs Growth Incentive Program, so some of those funds can be budgeted to the Director's position.

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

No: Kos, Meiners

Motion carried.

Ordinance No. 85-2015 adopted.

Second Readings:

Temporary Legislation #10512, AN ORDINANCE AWARDING A CONTRACT FOR THE 2015 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10512. Denes Concrete submitted the lowest and best bid in the amount of \$1,418,060 for the 2015 concrete street program. The bids were higher than the budgeted amount. The Finance Director is making provisions to appropriate money for the additional costs. Work will be done on Augusta, Briarwood, Cottonwood, Creekside, Dorchester, Firestone, Gable, Landerwood, Mulberry, Timberlane, Wedgewood, Wellesley, and Windward. This is not the same contractor working on the streets involved in the sewer separation project.

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

No: None

Motion carried.

Ordinance No. 86-2015 adopted.

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.

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.

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.

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.

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.

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 best serve the residents. Mr. Meiners stated that he will not support the legislation in its present form. He thinks the position should include supervisory responsibilities in order for the person to manage the employees and volunteers at the Old Firehouse Community Center.

Mr. Kos pointed out that the Recreation Programmer will have responsibilities and will be responsible to maintain and operate the programs and the facility. He further said that he interprets the word supervisor as a high level position with someone who performs evaluations.

Recreation Director Gerrone stated that he presented the position as an entry level position that is within the budget and hopes to fill the position with someone who is willing to work to develop and maintain recreation programming. This is a new position that can grow into a supervisory position if needed.

Mr. Meiners reviewed the qualifications for the position which he believes are beyond an entry level position.

First 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.

The City's contract for health services with the City of Lorain expires July 31st. 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 Lorain City Health Department. Services will remain the same under the new contract.

Temporary Legislation #10528, AN ORDINANCE AUTHORIZING THE DONATION OF +UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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.

Temporary Legislation #10529, AN ORDINANCE APPROVING A SALARY ADJUSTMENT FOR JANINE MACKERT, BUSINESS LIAISON, AND DECLARING AN EMERGENCY, was read by title only.

The salary of the Business Liaison will be set at \$25.00 per hour. Mrs. Fenderbosch pointed out that the ordinance states the salary will be retroactive to January 1, 2015. She further stated that the HR Committee voted to approve the salary retroactive to September 1, 2014. Mayor Zilka agreed with Mrs. Fenderbosch, but stated that the date was not reflected in the minutes of the HR meeting. Mr. Meiners stated that it is his recollection that the HR Committee voted for a retroactive date of September 1, 2014. Mr. Bucci stated that the HR Committee voted on the salary increase in October and did not act upon it as there was discussion with the Mayor

as to what would happen with the part-time position if an Economic Development Director is hired. He further stated that the ordinance could be amended.

Temporary Legislation #10530, 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: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10530. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Bucci thanked everyone for a very successful wine festival at Veterans Memorial Park.

Mr. O'Donnell commended Mr. Kos and Mrs. Fenderbosch for their work at the historic landmark dedication ceremony of the Dunning Home.

PUBLIC INPUT

Curtis Weems, 350 Greenbriar Drive, expressed his opposition to the salary increase for the Mayor.

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

No: None

Motion carried.

Adjournment: 8:55 P.M.

RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 9:40 P.M.

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

No: None

Motion carried.

Adjournment: 9:40 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council