

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 14, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on September 14, 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, Rob James, David Kos, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka, Assistant Law Director David Graves, Finance Director Steve Presley, Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the August 24, 2015 Regular Council Meeting were approved as prepared and published.

APPOINTMENT OF ASSISTANT FIRE CHIEFS

Temporary Legislation #10554, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JEFFREY MOORE AS ASSISTANT FIRE CHIEF IN THE AVON LAKE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Bucci moved for passage of Temporary Legislation #10554. With the restructuring of the Fire Department two Assistant Fire Chief positions were created. Mr. Moore passed all portions of the Civil Service testing process.

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

Ordinance No. 112-2015 adopted.

Temporary Legislation #10555, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOHN ROGERS AS ASSISTANT FIRE CHIEF IN THE AVON LAKE FORE DEPARTMENT, 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: O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos, Meiners

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10555. With the restructuring of the Fire Department two Assistant Fire Chief positions were created. Mr. Rogers passed all portions of the Civil Service testing process.

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

No: None

Motion carried.

Ordinance No. 113-2015 adopted.

Assistant Law Director Graves administered the Oath of Office to Mr. Moore and Mr. Rogers.

CORRESPONDENCE

Corey Roscoe, Ohio Director of State Affairs for the Humane Society of the United States, submitted a letter commending David Kos and the entire Council for not targeting any particular breed of dog while considering new legislation.

Jim Gamellia submitted a letter requesting emergency passage at the second reading of the preliminary plan and the improvement plan for Arrington Village.

MAYOR'S REPORT

The City of Avon Lake received an Award with Distinction from the State Auditor's office for its most recent audit. The audit was filed in a timely fashion in the form of a Comprehensive Annual Financial Report (CAFR). The audit was clean of any problems for recovery, material citation, material weakness, significant deficiencies, single audit findings, or question costs. Rebecca Widowski, the Northeast Ohio Regional Liaison for the Ohio Auditor of State, will present the award to the City at a future City Council meeting.

Paving had to be suspended on the sewer separation project due to the unstable base found beneath most of Vinewood and Crestwood. A nine inch base of stone, broken concrete, and asphalt will replace the sandy soil that is present in most of the area in that construction site. Due to the unavailability of the subcontractor, paving should begin again on September 21st. The final coat of asphalt will then be applied to the other streets followed by landscaping. The recent setback is not related to the recent issue of curbs and gutters on Vinewood and Crestwood.

There was an external lighting problem that delayed the paving of the Walker Road/Route 83 intersection. Paving will resume at 1:00 A.M. on September 15th.

The Love-a-Stray Dog Swim was held on August 22nd.

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The Big Trucks event is scheduled for September 19th from 10:00 A.M. until 2:00 P.M.

A camera was installed in the tree at Redwood School to monitor the eagles nest. Lescher Tree Service installed the camera at no charge to the City.

There has been a rash of car thefts in the Brunswick Avenue area. In all cases the cars were unlocked with the keys in the cars.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for September 21st and the next regular Council meeting is scheduled for September 28th.

PUBLIC WORKS DIRECTOR REPORT

The Public Works Department is seeking applications for fall seasonal help.

The first loads of road salt will be delivered this week to prepare for the upcoming season. The pending litigation regarding salt pricing with the State has been filed in the Ohio Attorney General's Office. The sum that was acquired based on the settlement will be broken up based on tonnage and price differentials.

FINANCE DIRECTOR'S REPORT

The August financial statements have been delivered to Council members and will be posted on the Avon Lake website.

A Finance Committee meeting is scheduled for September 28, 2015.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet September 30, 2015 at 6:00 P.M. in the Council Conference Room.

There are two vacancies on the Environmental Affairs Advisory Board. Interested residents should send a resume and letter of interest to the Clerk of Council. There are many environmental issues that affect the City including deer management and storm water runoff and its effect on Lake Erie. The Environmental Affairs Advisory Board is sponsoring a poster contest for all Avon Lake school children in grades 1 through 4. The theme is "Why is it Important to Keep Lake Erie Clean". Posters are due in City Hall by October 30th at 4:30 P.M.

PUBLIC UTILITIES COMMITTEE REPORT

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Mr. Shondel reported on the items discussed at the Public Utilities Committee meeting held September 3, 2015.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet September 17, 2015 at 6:30 P.M.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet on September 23, 2015 at 7:00 P.M.

AVON LAKE COMMUNITY COUNCIL

The Avon Lake Community Council is scheduled to meet September 16, 2015 at 7:00 P.M. at the Avon Lake Public Library.

MOTIONS

Mr. James moved to authorize the purchase of playground mulch from Ready Field Solutions, LLC, in the amount of \$10,780. This is an annual purchase to maintain the playgrounds. The Public Works Director has been certified as a playground inspector.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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.

Mr. James moved for passage of Temporary Legislation #10539. This ordinance will provide a licensing process to allow certain encroachments in City rights-of-way. This is necessary to resolve issues mainly on Lake Road to obtain State and Federal funding for future repaving. The City was advised by the Ohio Department of Transportation that in order to receive funding for the paving of Lake Road, encroachments such as monumental mailboxes, rocks, and fences must be removed from the right-of-way based on State and Federal regulations. After several meetings, the City of Avon Lake was successful in convincing the State that their view on encroachments was wrong in that the State had its own regulation that permitted encroachments under certain circumstances. After further discussions, the State changed its Statewide policy and agreed with Avon Lake that if the City

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licensed or permitted certain encroachments within the right-of-way, the State would provide funding. This ordinance will provide for a licensing process for encroachments. However, the encroachments cannot be changed or new encroachments cannot be added.

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

No: None

Motion carried.

Ordinance No. 110-2015 adopted.

Second Readings:

Temporary Legislation #10544, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO FORD SUV INTERCEPTORS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10544. The Police Chief recommended the purchase of two Ford SUV Interceptors from Lebanon Ford in the total amount of \$52,224.00 through the State Purchasing Program.

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

No: None

Motion carried.

Ordinance No. 111-2015 adopted.

Temporary Legislation #10549, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) (16), ENTITLED LAKE HOUSE AND REPEALING ORDINANCE NO. 90-2015, AND DECLARING AN EMERGENCY, was read by title only.

City Council approved a new fee schedule for Lake House rentals since alcohol will be permitted with rental of the facility. The incorrect fee schedule was incorporated into the legislation. The Recreation Director has since proposed a new fee schedule that he feels is a better schedule.

First Readings:

Temporary Legislation #10556, AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE FORD TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10556. Kowalski Ford submitted a bid in the amount of \$109,061.40 for the purchase of three trucks. The bid was lower than the State bid price.

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

No: None

Motion carried.

Ordinance No. 114-2015 adopted.

Temporary Legislation #10557, AN ORDINANCE AUTHORIZING THE PURCHASE OF A VAC ALL BODY FOR THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Meiners

Motion carried.

Mr. James moved for passage of Temporary Legislation #10557. The bid was awarded to Best Equipment Co. The purchase price is \$69,000. The equipment will be placed on an existing truck in the Public Works Department. A complete new vehicle would be in excess of \$150,000.

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

No: Meiners

Motion carried.

Ordinance No. 115-2015 adopted.

Temporary Legislation #10558, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM, AND TO EXECUTE THE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. James moved for passage of Temporary Legislation #10558. This will authorize the Mayor to submit a grant application for improvements to the Central Avon Lake Drainage Project (CALDP) which goes through the central part of Avon Lake. The improvements will connect the CALDP to a retention pond to collect additional storm water to prevent flooding. The improvement will benefit Avon Lake and Avon residents since it will divert stormwater off Avon Belden Road into the CALDP sewer.

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

No: None

Motion carried.

Resolution No. 116-2015 adopted.

Temporary Legislation #10559, AN ORDINANCE AMENDING ORDINANCE NO. 127-2014, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10559. The salary of the Assistant Fire Chiefs will be set at 29% above the highest paid Firefighter/Paramedic. An ordinance was previously enacted with the actual dollar amount rather than the above mentioned percentage. It was recommended that the ordinance be amended since the actual dollar amount may change with salary increases.

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

No: None

Motion carried.

Ordinance No. 117-2015 adopted.

Temporary Legislation #10560, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 2-2003, AND DECLARING AN EMERGENCY, was read by title only.

The Fire Chief recommended an amended job description for the Secretary in the Fire Department to clearly define the expanded duties of the position.

Temporary Legislation #10561, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 58-2002, AND DECLARING AN EMERGENCY, was read by title only.

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The Police Chief recommended an amended job description for the Police Department Secretary to clearly define the expanded duties of the position.

Temporary Legislation #10562, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF SUZANNE BLISS, FIRE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY, was read by title only.

The Fire Chief recommended a salary adjustment for the Fire Department Secretary commensurate with the new job description. The new rate of pay will be \$22.50 per hour.

Temporary Legislation #10563, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF RACHEL BURSON, POLICE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY, was read by title only.

The Police Chief recommended a salary adjustment for the Police Department Secretary commensurate with the new job description. The new rate of pay will be \$20.60 per hour.

Temporary Legislation #10564, AN ORDINANCE APPROVING A SALARY ADJUSTMENT FOR FOREST MERCER, FIREFIGHTER/PARAMEDIC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10564. Mr. Mercer was hired six months ago at a Step 2 pay rate. The Fire Chief has reconsidered and recommends that he be at a Step 3 rate due to his past experience.

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

No: None

Motion carried.

Ordinance No. 118-2015 adopted.

Temporary Legislation #10565, AN ORDINANCE ADOPTING A FIXED GUIDELINE FOR HIRING NEW FIREFIGHTER/PARAMEDICS, AND DECLARING AN EMERGENCY, was read by title only.

Currently there is not a policy for establishing pay rates for new Firefighters who are hired with previous experience in a Fire Department. Chief Huerner has developed

the following policy for establishing pay steps for new hires: No experience to 1 year – Step I; more than 1 year to 5 years – Step II; more than 5 years – Step III.

Temporary Legislation #10566, AN ORDINANCE APPROVING THE PRELIMINARY PLAN FOR ARRINGTON VILLAGE, AND DECLARING AN EMERGENCY, was read by title only.

A lot split was created along Webber Road to create what will become Arrington Village. The preliminary plan establishes the water mains, sanitary and storm sewers, sidewalks, and the placement of streets. This phase includes 48 fee simple units on 9.6 acres of land with private streets to be located on the south side of Webber Road. The preliminary plan was recommended by Planning Commission without conditions. Mr. Kos stated that he is opposed to any further development in the area until he is assured that a traffic light will be installed at Webber Road and Route 83 and that infrastructure will be improved. As a result of a recent traffic study, a traffic light was not warranted. Mr. Reitz stated that another traffic study could be done next spring once some of the units are occupied at the Hampshire and Arrington developments. Mrs. Fenderbosch stated that residents should not use shortcuts to avoid the intersection when the traffic study is being conducted to get a true count of cars that would pass through the intersection.

Temporary Legislation #10567, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR ARRINGTON VILLAGE PHASE 1, AND DECLARING AN EMERGENCY, was read by title only.

The improvement plan establishes the details for all improvements including a retention basin to collect all drainage. Phase 1 consists of 24 fee simple units built as four unit buildings. The following conditions were placed by Planning Commission: the developer shall install signage at each street stub that states that the street shall go through with future development; the developer shall record a temporary easement for the property to the east that runs north and south on the driveway presently being used by ABK Ltd. for farm equipment use only which shall cease at the time the property is developed; the developer shall record a perpetual easement for a concrete street stub that runs east and west on the property for it to connect to the easement on land presently owned by ABK Ltd. for access for future development in compliance with the Master Thoroughfare Plan.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

September 14, 2015 is the 201st anniversary of the Star Spangled Banner written by Francis Scott Key in 1814 after witnessing the bombardment of Fort McHenry in the War of 1812. The flag that flew from January 13, 1794 until April 4, 1818 was the 15 star, 15 stripe version. After that date, there were 13 stripes for the original 13 colonies and one star for each state. In honor of the 15 star flag, American Legion Post 211 will fly that flag in front of the Post during the month of September. The U.S. Air Force flag will fly below it in honor of the 68th birthday of the United

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States Air Force. Anyone who would like to receive flag information and half-staff alerts should contact John Shondel at osujohn@mac.com.

Avon Lake Cemetery tours will be held on October 22, 23, and 24. Tickets can be purchased through the Avon Lake Historical Society. Mr. Shondel stated that the proper designation of the cemetery located on Lake Road is Lake Shore Cemetery.

The second Trail of Haunted Tales will be held on October 17th at Kopf Reservation beginning at the trail head at the library.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:33 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council