# MINUTES OF THE REGULAR MEETING OF THE AVON LAKE MUNICIPAL COUNCIL APRIL 11, 2016

The regular meeting of the Avon Lake Municipal Council was called to order on April 11, 2016 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Shondel 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 March 28, 2016 Regular Council Meeting were approved as prepared and published.

#### **GUEST**

David Covell, Health Commissioner of the Lorain County General Health District, made the following comments. Currently there are three health districts in Lorain County; the City of Elyria, the City of Lorain, and the Lorain County General Health District. Avon Lake has been contracting with the City of Lorain for health services. The Lorain County General Health District is an independent board of private citizens who hire a Health Commissioner to run the organization which has approximately 80 employees. The General Health District represents Avon, North Ridgeville, Sheffield Lake, Oberlin, Amherst, and all the villages and townships throughout Lorain County. The General Health District has been in existence since 1919. Due to budget issues, the City of Lorain has decided to join the General Health District and the City of Elyria is considering joining. One of the main concerns is the State requirement for public health accreditation by the year 2020. If Elyria and Lorain join the General Health District, Avon Lake will have to either build its own health department or join the General Health District. Public health has changed over the years with more concentration on chronic diseases and bioterrorism.

For many years the General Health District has been funded by a local allocation of .14 mills which brings in about \$500,000 which is not enough to run the District. Every five years there is a levy on top of that amount up to 1 mill, or \$30.00 per \$100,000 property value. The Health District levy will be renewed in the fall of 2016. Mr. Covell suggested that, if all communities decide to join the District in April, the levy can be lowered to .5 mills from 1.0 mill. Another option would be to renew at 1.0 mill and if the cities decide to join, the District may decide to only take only .5 mills. The decision of the Board was to put the .5 mill levy on the ballot, which is

approximately \$15.44 per \$100,000 property value. If only Lorain and Elyria join the General Health District, the levy would be .6 mills.

Mayor Zilka stated that the first meeting he had regarding the General Health District was on March 13, 2015 and the last meeting wason December 7, 2015. It became evident that the financial situations of Elyria and Lorain became worse and they would be unable to maintain their health departments. Elyria should decide about joining the General Health District on April 18<sup>th</sup>. If they decide to keep running their own health department, Avon Lake could possibly contract with them for health services. To be accredited, a city must have a Health Commissioner, a Director of Nursing, and an Environmental Director. For the City of Avon Lake to form its own health department and achieve accreditation, the cost could be up to \$1 million. The most fiscally sound direction would be to join the General Health District.

Mr. Covell stated that if Avon Lake puts the issue on the ballot, it is important for residents to know that there are only two choices; join the General Health District or build an Avon Lake Health District. Contracting with the City of Lorain will no longer be available.

Mrs. Fenderbosch stated that she offered an option to the General Health District which was rejected. She asked if Avon Lake would join the Health District in April or May, would Avon Lake be able to be accepted by the District at that time so Avon Lake could be part of the District and Avon Lake residents would be able to vote on the levy in November. Mr. Covell made the following comments. This issue has been discussed many times. The problem is that the Health District has not provided services for Avon Lake residents and if Avon Lake joins in April or May, there would be multiple issues. The January 1, 2017 date was established for convenience. This is a two-sided vote: Avon Lake votes to join the District and the District votes to accept Avon Lake. The District's number one concern has been that the new members might not vote in favor of the levy, while the rest of the members have been passing the levies easily for many years because they are familiar with the services provided. The District is willing to accept Avon Lake, but they are not willing to make special exceptions for each city to go outside the normal pattern of voting on the levy. Mr. Covell stated that his concern is that if he brings Mrs. Fenderbosch's proposal to the District Advisory Council, it would be rejected based on past experience.

Mrs. Fenderbosch referred to documents provided by Law Director Lieberman. There are court cases dating back to the 1920's, Supreme Court opinions, and Attorney General Opinions. Mrs. Fenderbosch stated she was interested in precedence for property taxes being levied without a vote of the electors. A 1995 opinion of the Ohio Attorney General stated that, "When a subdivision joins a District and has levied a tax outside of the ten mill limitation pursuant to Ohio Revised Code 5405.19, the taxable property in the newly added subdivision becomes subject to such tax and no additional voter approval is required in order to levy such tax upon a property in the newly added subdivision." Mrs. Fenderbosch stressed that it is a

difficult situation for Council members since Avon Lake is mandated to provide health services to its residents.

Mr. James asked Mr. Covell about the governance of the Health District. Mr. Covell stated the Board consists of five members representing the villages and townships. and three members representing the cities. One Board member represents Avon and Sheffield Lake, one Board member represents North Ridgeville, and one Board member represents Amherst and Oberlin. If Avon Lake joins the District, it would share a Board member with Avon and Sheffield Lake, which is designated as Area 3. If Lorain and Elyria join the Health District, each city would have its own Board member, bringing the Board composition to ten members. Mr. James pointed out that Avon, Avon Lake, and Sheffield Lake would have a combined total population of 45,500 and would only have one shared representative, while North Ridgeville has a population of 31,000 and has its own representative. Mr. Covell stated that the concern is that the larger the Board, the more unwieldly it becomes. The Mayors of Avon and Sheffield Lake indicated to Mr. Covell that Avon Lake could name the shared Board member to represent the three cities. Mr. James stated that his concern is equal representation throughout the Health District and that Avon Lake will not have equal representation based on population. Mr. James further stated that his concern is that the General Health District is run by unelected representation and citizens may not have access to those representatives.

Mr. Bucci stated that he does not believe it makes sense for Avon Lake to create its own health department, but feels any tax increase should be put before the voters regardless of the amount.

Mrs. Fenderbosch stated that Council has the power to put the issue on the ballot. She asked Mr. Covell if the Health District could wait until Avon Lake puts the issue on the ballot in November. Mr. Covell stated that he can put the question to the Board members and the District Advisory Council, but there would be a risk for the Health District. He pointed out that if they put the .5 mill levy on the ballot and Avon Lake votes not to join the Health District, the Health District's revenue would be cut in half for five years. The final decision is made by the District Advisory Council (DAC) which is composed of the Mayors of member communities, the township trustees, and one of the County Commissioners.

#### **AUDIENCE PARTICIPATION**

Bob Cuthbert, 119 Sunset Blvd., Avon Lake, expressed his support for joining the Health District.

Evelyn Cuthbert, 119 Sunset Blvd., Avon Lake stated that she does not want the \$85,000 which is being paid to the City of Lorain for health services to be used for employee raises. Mr. Presley explained that the budgeted \$85,000 will still be used for health services if the City joins the Health District, in addition to the .5 mill levy. She asked Mr. Covell what the Health District does for chronic illness. Mr. Covell

explained various programs for cardiovascular health and diabetes prevention. He explained that the Health District gets grants from other sources to fund programs.

Gerald Phillips, 461 Windward Way, Avon Lake, stated there are two ways to deal with health districts; the City can contract with another City (ORC 3709.08), or become a member of another district (ORC 3709.07). He further stated that the Lorain County General Health Distract is only considering membership and does not want to consider a contract. He pointed out that Temporary Legislation #10645, authorizing Avon Lake to join the Health District, does not have the proposed agreement attached. Two sources of funding within the millage indicated by Mr. Covell are based on tax values or population. Mr. Phillips stated that the statue (ORC 3709.28) limits it to tax value. The other method of funding a health district is a special levy (ORC 3709.29) which does not set a limitation on the millage. Elyria and Lorain have not been able to pass levies and therefore, the funding comes from the general fund. Mr. Phillips had questions regarding the composition of the Health District Board and the next meeting of the Board.

Mr. Covell explained that the Board meeting will take place on April 13<sup>th</sup> at the 9880 South Murray Ridge Road, Elyria, at 7:30 P.M. He explained there are two ways to fund a health district; per capita or a mill levy. A mill levy funds the Lorain County General Health District. By August 1, 2016, the District must declare the amount of the mill levy. In July the Board must pass a resolution asking the County Commissioners to place the mill levy on the ballot. In June the Board must ask the auditors to certify the dollar value and millage rate. Between now and June, the Board must know which cities will join the District and get them approved by the District Advisory Council. The Board consists of five members from the General Health District, and three members representing the cities. The plan is to add to more members. The five members from the Health District are appointed by the District Advisory Council (DAC).

Steven Vass, 648 Bridgeside, Avon Lake, asked if the Ohio Revised Code mandates minimum health services, and could a municipality contract on their own for those services. He also had questions about staffing of the Health District. Mr. Vass asked what specific services apply to a healthy resident.

Mr. Covell stated that the minimum requirements are in the Ohio Revised Code in terms of health programs. There is a minimum requirement of having a Health Commissioner, Director of Environmental Health, and a Director of Nursing. The cardiovascular health programs, for example, are not O.R.C. minimums. The O.R.C. requires accreditation by 2020 which will provide for all programs including a Community Improvement Plan, a Community Health Assessment Plan, and a Strategic Plan. The District has environmental health staff and nurses throughout the County. Every community is analyzed to be sure the needs of each community are addressed.

Marilyn Weems, 350 Greenbriar Drive, Avon Lake, had questions regarding the costs of the Health District. Mr. Covell explained that tax dollars pay for

approximately one-third of the total budget. The remainder of the funding comes from grants, fees, and Medicare/Medicaid reimbursement.

Regardless of whether a health department is accredited, it is mandatory to have a Health Commissioner, a Director of Environmental Health, and a Director of Nursing. For accreditation, an Accreditation Coordinator is required. The cost of accreditation is much more than the fee. It costs the Health District about \$750,000 to get ready for accreditation. The key is that a district must be re-accredited every five years.

Curtis Weems, 350 Greenbriar Drive, Avon Lake, read a letter opposing funding the Health District through taxation without a vote of the electors.

Willie Shutte, 144 Harvey Parkway, Avon Lake, expressed his support for putting the issue on the ballot for the voters to decide. He suggested keeping the levy at 1 mill and, if the other communities join, reduce the amount taken.

Mr. Covell stated that about 18% of funding the District comes from grants with several grant writers employed by the District.

Mr. Covell stated that, if Avon Lake wants to put the issue on the ballot, the District will plan on a .65 levy, but will only collect .5 if Avon Lake, Lorain, and Elyria join the District.

#### **CORRESPONDENCE**

Judge Bilancini forwarded the 2016 Annual Court Report.

The Lorain County Office on Ageing sent a letter thanking Avon Lake for partnering with them for the Home Delivered Meal Program and food pantry.

Mrs. Fenderbosch read a letter from resident Marianne Hocking in support of joining the General Health District.

#### **MAYOR'S REPORT**

The North Coast Business Expo is scheduled for April 28, 2016 at 500 Community Drive.

On April 1<sup>st</sup> the Mayor attended a session entitled "Taking Back Our Communities, Combating the Opiate Epidemic, sponsored by the Attorney General's Office.

On April 26<sup>th</sup>. the "Assist Group" will hold a forum at the Avon Lake Public Library at 7:00 P.M. on community action regarding addiction.

University Hospitals is sponsoring an Avon/Avon Lake Wellness Challenge. Residents interested in participating can register at the University Hospitals Avon Health Center.

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

The next Collective Committee meeting is scheduled for April 18<sup>th</sup> and the next regular Council meeting is scheduled for April 25<sup>th</sup>.

#### PUBLIC WORKS DIRECTOR'S REPORT

The Public Works Department weekly update was distributed.

Avon Lake Shred Day will take place April 23<sup>rd</sup> from 9:00 A.M. until noon at the municipal pool property.

#### LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

## **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee will meet April 13, 2016 at 6:00 P.M. in the Council Conference Room.

#### SAFETY COMMITTEE REPORT

The Safety Committee will meet on April 20, 2016 at 6:00 P.M. in the Council Conference Room.

#### **SEWER COMMITTEE REPORT**

The Sewer Committee will meet April 14<sup>th</sup> at 6:30 P.M. in the Public Works Conference Room.

#### PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the results of the April 5, 2016 Planning Commission meeting.

#### **MOTIONS**

Mrs. Fenderbosch moved to authorize the Mayor to sign an easement agreement for a water line through State property in or near Grafton. The State does not allow permanent easements across its property. The maximum they allow is 15 years, which was the term of the easement that just expired and is the term of the renewal. The cost is \$10,102 which will be funded by the ETL 2 customers.

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

No: None

Motion carried.

Mr. James moved to accept a donation of a memorial bench at Walker Road Park. The Curney family wishes to donate the bench in memory of Luke Curney. The City of Bay Village approved the bench donation.

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

#### **LEGISLATION**

## **Third Reading:**

Temporary Legislation #10643, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR ARRINGTON VILLAGE, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10643. Planning Commission approved and recommended the improvement plans for Arrington Village. The subdivision is located on Webber Road, east of Weiss Field and consists of 24 attached dwelling units on private streets.

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

Ordinance 43-2016 adopted.

## First Readings:

Temporary Legislation #10656, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH NEW WORLD SYSTEMS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Meiners moved for passage of Temporary Legislation #10656. With the purchase of the New World software for departmental transaction record keeping, 20 user licenses were purchased as part of the contract. Additional user licenses are needed for all departments to access the system. The Finance Director negotiated a change order for unlimited additional user licenses at a cost of \$7000.

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

## Ordinance No. 44-2016 adopted.

Temporary Legislation #10657, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT TO ACQUIRE TWO FORD F750 PLOW TRUCKS, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director recommends the lease of two Ford F750 plow trucks in accordance with ODOT State Term Bid No. 023-15. The term of the lease is six years with an annual payment of \$59,463.80.

Temporary Legislation #10658, AN ORDINANCE AUTHORIZING THE PURCHASE OF A FUELMASTER SYSTEM FOR THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The fueling station at the Public Works Department is outdated and can no longer be supported by the City's outside systems management. The Public Works Director recommends the purchase of a new Fuelmaster System and software from Service Station Equipment Co. in the amount of \$18,600. The system will allow for departmental and individual fuel tracking for the diesel, unleaded, and propane systems.

## **PUBLIC INPUT**

Gerald Phillips, 461 Windward Way, Avon Lake, stated that there are two ways Avon Lake can join a health district; through Council action or through a ballot petition (O.R.C. 3709.71). In his opinion, the problem is the concept of delayed investing. The Lorain County General Health District and the District Advisory Council are forcing Avon Lake to decide by May 1, 2016 whether to join the District to be vested by January 1, 2017. Avon Lake would be a member of the District without member rights.

#### **ADJOURNMENT**

Mr. Meiners moved for adjournment.	
Yes: Shondel, Fenderbosch, James, Kos, No: None Absent: Bucci Motion carried.	Meiners. O'Donnell
Adjournment: 9:30 P.M.	
Approved:Council President	Attest:

# April 11, 2016 Council Meeting Minutes