

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 22, 2016**

The regular meeting of the Avon Lake Municipal Council was called to order on February 22, 2016 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Meiners led the Council, staff, and public in the Pledge of Allegiance.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Marty O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Presley, Public Works Director Joseph Reitz, Assistant Clerk of Council Valerie Rosmarin.

There being no objections, Mr. James was excused from the meeting.

APPROVAL OF MINUTES

The minutes of the February 8, 2016 Regular Council Meeting were approved as amended.

PUBLIC HEARING

A Public Hearing was called to order upon an amendment to Planning & Zoning Code Section 1214.07 regarding membership to the Zoning Board of Appeals. The amendment will permit all members of the Zoning Board of Appeals to serve on the Citizens Tree Commission, the Cable Advisory Commission, the Environmental Affairs Advisory Board, the Income Tax Board of Review, the Community Reinvestment Area Housing Council, or the Affirmative Action Committee.

MAYOR'S REPORT

The combined Ward 3 and Ward 4 meeting will be held February 24, 2016 at 7:00 P.M. at the Avon Lake High School Performing Arts Center.

The Mayor and employees of Avon Lake Regional Water witnessed the final stages of a Ford F-750 truck on the assembly line at the Ford Assembly Plant in Avon Lake. ALRW will be purchasing a truck that was produced in Avon Lake.

Police Chief Streator completed the Certified Law Enforcement Executive Program offered by the Law Enforcement Foundation. It was a 14 month program focusing on resource allocation, leadership strategic planning, ethics, interpersonal skills, and management techniques. Chief Streator also completed the Cleveland State Leadership Academy last May.

A public forum on health services in Avon Lake will be held February 29, 2016 at 7:00 P.M. at Learwood Middle School. Due to financial constraints, the City of Lorain

will no longer be able to provide health services to Avon Lake. Options for the City will be discussed at the meeting.

Tim Pinchek has been appointed as the new Recreation Director.

The deer culling sharpshooter program has been suspended as recommended by the Ohio Department of Agriculture since conditions have not been ideal. To date, 61 deer have been culled. Residents can still apply for Deer Damage Control Permits.

COUNCIL PRESIDENT'S REPORT

February 29th is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for March 7th, and the next regular Council meeting is scheduled for March 14th.

PUBLIC WORKS DIRECTOR'S REPORT

The Public Works Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

FINANCE DIRECTOR'S REPORT

The new Finance Department software will start to be loaded onto the computer system this week.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee will meet March 9, 2016 at 6:00 P.M. in the Council Conference Room.

At the last meeting, the Committee voted to recommend the City of Avon Lake adopt the Lake Erie Allegheny Partnership position statement on whitetail deer management.

The 2015 ten-year deer management plan continues with favorable results. To date, sharpshooters have taken 61 deer, and the City has donated 2040 pounds of ground venison to the Second Harvest Food Bank of Northcentral Ohio located in Lorain. The Public Works Department has picked up seven deer carcasses in January; zero deer vehicle accidents were reported in January.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee will meet March 7, 2016 at 6:00 P.M. in the Public Works Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported on the results of the February 22, 2016 meeting of the Public Service Committee meeting.

PUBLIC UTILITIES COMMITTEE REPORT

Customers who do not wish to participate in the natural gas aggregation program should notify NOPEC by one of the following methods: return the reply card that was mailed to customers; send a fax to 1-800-328-5679 on or before February 24, 2016. Customers who wish to speak to a NOPEC representative can call 1-855-667-3201. No action is necessary if customers wish to stay in the program.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the results of the February 11, 2016 Sewer Committee meeting.

The Sewer Committee will meet March 10, 2016 at 6:30 P.M. in the Public Works Conference Room.

PLANNING COMMISSION REPORT

At the February meeting, Planning Commission approved and recommended a conditional use/change of use for property at 294 Avondale, the old Napa store, from retail to storage. The legislation will be presented with suspension of the rule requiring three readings and emergency passage.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals will meet on February 24, 2016 at 7:00 P.M.

MOTIONS

Mrs. Fenderbosch moved to add a motion to the agenda authorizing Heritage Avon Lake to bid for their interior and exterior project for the Folger Home

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved to add a motion to the agenda authorizing the Public Works Director to advertise for bids for foundation work at the Folger Home.

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

No: None

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Absent: James
Motion carried.

Mr. Shondel moved to reappoint Randy Bolen to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Rita George to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Erica Larsen to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Erin McDevitt-Frantz to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Ray Nowak to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Marty Patton to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

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No: None
Absent: James
Motion carried.

Mr. Shondel moved to reappoint Christine Raymond to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Melinda Rutledge Golas to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mr. Shondel moved to reappoint Kip Sekulic to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

Mrs. Fenderbosch moved to authorize the lessee, Heritage Avon Lake, to bid on the interior and exterior of the Folger Home. Heritage Avon Lake received a grant from the State of Ohio through the Historic Preservation Fund. Much of the grant had to be matched from work having been done to the facility.

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

Mrs. Fenderbosch moved to authorize the Public Works Director to advertise for bids for foundation work at the Folger Home. Heritage Avon Lake is paying to have the back two storage rooms and the deck demolished. The foundation will have to be rebuilt, after which the organization will rebuild the deck to ADA specifications.

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

LEGISLATION

Third Reading:

Temporary Legislation #10621, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CITY PROSECUTOR FOR THE AVON LAKE MUNICIPAL COURT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10621. The Human Resources Committee reviewed the proposed job description and recommended it to Council. The Prosecutor will report to the Law Director.

Mrs. Fenderbosch moved to amend Temporary Legislation #10621 to read that the immediate supervisor of the Prosecutor is the Mayor. Mrs. Fenderbosch stated that, even though the position is a part-time position, the Prosecutor is on call 24/7 at times. She further stated that the Prosecutor should not report to a part-time supervisor, but should report directly to the Mayor. The Prosecutor rarely interacts with the Law Director, thus making more sense that he report to the Mayor since the Mayor interacts with the Police Department daily. The current Law Director was the Law Director for the City of Amherst prior to becoming the Law Director of Avon Lake. In the City of Amherst, the Prosecutor reported to the Law Director. The Law Director has stated to the Mayor that he does not want that system to be started in Avon Lake because he rarely interacts with the Prosecutor since the functions they perform for the City are greatly different. The Mayor hires the Law Director and there is no reason why the Mayor cannot hire the Prosecutor. The Mayor supports the concept that he supervises the Prosecutor.

Mr. Kos stated that he will support Mrs. Fenderbosch's motion for all the reasons she stated. Mr. Kos made the following comments. The Law Director is a part-time employee working for a private law firm, and his primary job during normal working hours is with that law firm. The Prosecutor position deals with law enforcement and should fall under the Safety Director since the Safety Director interacts with the Police Department. Both Prosecutors from the City of Avon and Sheffield Village report to their Mayor's and both recommended that system. The Mayor is the overall enforcer of the laws, and as such, the Prosecutor should report to him.

Mr. Shondel stated that he believes having the Prosecutor report to the Mayor would violate good management principles by expanding the Mayor's span of control unnecessarily from a current number of 11 employees to 12. It is an inconsistent policy since the Assistant Law Director and Zoning Administrator already report to the Law Director, but not the Prosecutor who formerly reported to City Council for undetermined reasons.

Mr. O'Donnell stated that he supports the concept of the Prosecutor reporting to the Law Director; a lawyer will be evaluating another lawyer. There can be input from the Court and the Police Department to help the Law Director make his decisions.

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Mr. O'Donnell stated that he would rather have the Mayor concentrate on financial, economic development, and community issues rather than court issues.

Yes: Fenderbosch, Kos
No: Meiners, O'Donnell, Shondel, Bucci
Absent: James
Motion failed.

The roll was taken on passage of Temporary Legislation #10621.

Yes: Meiners, O'Donnell, Shondel, Bucci
No: Fenderbosch, Kos
Absent: James
Motion carried.

Ordinance No. 22-2016 adopted.

Second Readings:

Temporary Legislation #10618, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1214.07 (b) REGARDING THE MEMBERSHIP OF THE ZONING BOARD OF APPEALS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Temporary Legislation #10618. Planning Commission approved and recommended the amendment. The amendment will permit all members of the Zoning Board of Appeals to serve on the Citizens Tree Commission, the Cable Advisory Commission, the Environmental Affairs Advisory Board, the Income Tax Board of Review, the Community Reinvestment Area Housing Council, or the Affirmative Action Committee.

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

Ordinance No. 23-2016 adopted.

Temporary Legislation #10631, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF AVON LAKE, ESTABLISHING THE QUALIFICATIONS AND

DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

The Economic Development Committee recommended the creation of a full-time Economic Development Director position which was approved by Council. The Economic Development Director will be appointed by the Mayor and will report directly to the Mayor. The job description for the position was reviewed and recommended to Council at a joint meeting between the Human Resources Committee and the Economic Development Committee. The ultimate goal is to increase revenue into the City.

Temporary Legislation #10632, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10632. This ordinance will authorize the Mayor to sign an agreement with HzW Environmental LLC in the amount of \$53,000 for the post closure monitoring of the closed landfill. This is an ongoing requirement from the EPA.

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

No: None

Absent: James

Motion carried.

Ordinance No. 24-2016 adopted.

Temporary Legislation #10633, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 840.04 (d), AND DECLARING AN EMERGENCY, was read by title only.

The amendment will modify the definition of sunset to mean the time provided by the Astronomical Applications Department of the U.S. Naval Observatory.

Temporary Legislation #10636, AN ORDINANCE APPROVING A CONDITIONAL USE/CHANGE OF USE FOR A STORAGE FACILITY AT 294 AVONDALE AVENUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Bucci

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10636.

Yes: Meiners, O'Donnell, Shondel, Kos

No: Bucci, Fenderbosch

Absent: James

Motion carried.

Ordinance No. 25-2016 adopted.

First Readings:

Temporary Legislation #10638, AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF MIKE BRAMHALL AS MUNICIPAL ENGINEER, ESTABLISHING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10638. The appointment of Mike Bramhall as the Municipal Engineer has been reviewed by the Law Director regarding any conflict of interest since Mr. Bramhall owns Bramhall Engineering, a firm that contracts with the City. Mr. Bramhall will probably not serve as Municipal Engineer for the entire term of the Mayor; it is the intent of the Mayor to appoint Mr. Reitz to the position once he has completed the required five years of civil engineering experience.

Mrs. Fenderbosch stated that she will not support the appointment of Mr. Bramhall since she feels there could be a conflict of interest according to the Charter. Mayor Zilka stated that the Law Director and the Assistant Law Director have determined that the relationship is one that is within the confines of State law and complies with the Charter as recently interpreted.

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

No: Fenderbosch

Absent: James

Motion carried.

Ordinance No. 26-2016 adopted.

Temporary Legislation #10639, AN ORDINANCE AUTHORIZING A DONATION TO THE LORAIN COUNTY OFFICE ON AGEING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10639. Loran County Office on Ageing requested a donation in the amount of \$41,731 to continue to provide Meals on Wheels for Avon Lake senior citizens. In 2015, 6726 meals were delivered to Avon Lake residents. Additionally, 156 low-income families received emergency food pantry assistance.

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

No: None

Absent: James

Motion carried.

Ordinance No. 27-2016 adopted.

Temporary Legislation #10640, AN ORDINANCE AUTHORIZING ENTERING INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10640. Avon Lake Regional Water (ALRW) wishes to upgrade the wastewater treatment plant. The City of Avon Lake, through the Board of Municipal Utilities, intends to apply to the Water Pollution Control Loan Fund for funds for the design and construction of the facility. The Ohio Water Pollution Control Fund required the City to pass legislation authorizing the application for the loan and the execution of the agreement. This ordinance will authorize the Mayor to sign all documents relating to the loan. The loan will be repaid through ALRW rate payers.

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

No: None

Absent: James

Motion carried.

Ordinance No. 28-2016 adopted.

Mr. O'Donnell moved to appoint Ken Sadd to the Zoning Board of Appeals effective February 23, 2016 for a term expiring December 31, 2020.

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

No: None

Absent: James

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENT

Mayor Zilka announced that he will recommend the appointment of Cara Erdman as the Ward II member of the Parks & Recreation Commission.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Absent: James

Motion carried.

Approved: _____
Council President

Attest: _____
Clerk of Council