

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JUNE 13, 2016**

The regular meeting of the Avon Lake Municipal Council was called to order on June 13, 2016 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 Steve Presley, Public Works Director Joseph Reitz, Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the May 23, 2016 Regular Council Meeting were approved as prepared and published.

**PUBLIC HEARING**

A Public Hearing upon an amendment to Planning & Zoning Code Section 1268.05 designating criteria for individual landmarks and historic districts was called to order at 7:32 P.M. The amendment was reviewed and recommended by Planning Commission. The purpose of the amendment is to have consistency in the definitions for historic landmarks and historic districts.

The Public Hearing was closed at 7:34 P.M.

**CORRESPONDENCE**

Brian Daw requested suspension of the rule requiring three readings and emergency passage of approval of a conditional use permit for a Bed & Breakfast at 33215 Lake Road.

**MAYOR'S REPORT**

A moment of silence was held for the victims of the Orlando shootings. "Hatred Must Not Prevail" was posted on the electronic sign at City Hall.

The Lorain County General Health District received a grant to deal with mosquito larva. Pellets will be distributed throughout wet areas in the City to reduce the number of mosquitos. Residents have reported mosquito problems in the following areas: Krebs Road, Troy School, Redwood School, Piccolo Place, Wildberry Drive, and Liberty Rose.

Concerts at Miller Road Park have begun. The next concert will be held on July 17<sup>th</sup> from 6:00 – 8:00 P.M.

**COUNCIL PRESIDENT’S REPORT**

The next Collective Committee meeting is scheduled for June 20<sup>th</sup> and the next regular Council meeting is scheduled for June 27<sup>th</sup>.

**PUBLIC WORKS DIRECTOR’S REPORT**

The Public Works Department weekly update was distributed.

Electric Blvd. between SR 83 and Cherry Drive will be closed beginning Wednesday for one week for paving.

Grove Avenue will be closed Tuesday for work on the new gas line.

Tree lawn trees are trimmed by the Public Works Department during the latter part of winter before trees bud. Crews work west to east across the City. It takes three to four years to get across the entire City, after which the cycle begins again.

**LAW DIRECTOR’S REPORT**

The Law Department litigation update was distributed.

**ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel reported on the Environmental Committee meeting held on June 8, 2016.

**SAFETY COMMITTEE REPORT**

Mr. Kos reported on the Safety Committee meeting held June 9, 2016.

**SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the Sewer Committee meeting held June 9, 2016.

**PLANNING COMMISSION REPORT**

Mrs. Fenderbosch reported on the results of the June 7<sup>th</sup> Planning Commission meeting.

**ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the May 27, 2016 meeting of the Zoning Board of Appeals.

**MOTIONS**

Mr. O'Donnell moved to add a motion to the agenda to permit Mr. Shondel to abstain from voting on Temporary Legislation #10671R.

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

No: None

Motion carried.

Mr. O'Donnell moved to add a motion to the agenda to permit Mr. Meiners to abstain from voting on Temporary Legislation #10671R.

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

No: None

Motion carried.

Mr. Shondel moved to accept the resignation of Ray Nowak from the Environmental Affairs Advisory Board.

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

No: None

Motion carried.

Mr. O'Donnell moved to permit Mr. Shondel to abstain from voting on Temporary Legislation #10671R due to a potential conflict of interest. Mr. Shondel has been a client of the Law Director.

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

No: None

Motion carried.

Mr. O'Donnell moved to permit Mr. Meiners to abstain from voting on Temporary Legislation #10671R due to a potential conflict of interest. Mr. Meiners has been a client of the Law Director.

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

No: None

Motion carried.

**LEGISLATION**

Third Readings:

Temporary Legislation #10671R, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF THE LAW DIRECTOR, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10671R. The Human Resources Committee approved a 3% salary increase for the Law Director for assuming additional duties of supervising the City Prosecutor.

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

No: None

Abstention: Meiners, Shondel

**Ordinance No. 67-2016 adopted.**

Temporary Legislation #10672, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES WITH THE ADDITION OF SECTION 1024, EMERGENCY ACCESS GATES, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10672. The Safety Committee recommended this amendment with the approval of the Fire Chief and Police Chief. The proposed legislation defines permissible gates as click to enter gates. It is the only electric gate system that allows any visiting safety force to gain access by their radios.

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

No: None

Motion carried.

**Ordinance No. 68-2016 adopted.**

Second Readings:

Temporary Legislation #10666, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1268.05, DESIGNATION CRITERIA FOR INDIVIDUAL LANDMARKS AND HISTORIC DISTRICTS.

The purpose of the amendment is to have consistency in the definitions for historic landmarks and historic districts. The required public hearing was held earlier in the meeting.

Temporary Legislation #10678, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY POINTE PHASE 9, 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.

June 13, 2016 Council Meeting Minutes

Mrs. Fenderbosch moved for passage of Temporary Legislation #10678. Planning Commission approved the improvement plans at the May 3, 2016 meeting. The phase consists of 13 single family sublots with a new stormwater detention basin.

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

No: None

Motion carried.

**Ordinance No. 69-2016 adopted.**

Temporary Legislation #10679, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR PORT WEST PHASE 1, 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 #10679. Planning Commission approved the improvement plans at the May 3, 2016 meeting. The phase consists of 18 single family sublots located on Walker Road between the Safety Center and Waterside Crossing South.

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

No: None

Motion carried.

**Ordinance No. 70-2016 adopted.**

Temporary Legislation #10682, AN ORDINANCE PROVIDING FOR THE RENEWAL OF THE HEALTH SERVICES CONTRACT WITH THE LORAIN CITY HEALTH DEPARTMENT AND AUTHORIZING THE MAYOR TO ENTER INTO SAID CONTRACT, AND DECLARING AN EMERGENCY, was read by title only.

The current health contract expires July 31, 2016. The new contract will provide for health services from August 1, 2016 to December 31, 2016 at a cost of \$35,420 which is 5/12 of the current contract amount.

Temporary Legislation #10683, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (a) (2) OF THE GENERAL FEE SCHEDULE, 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 #10683. The amendment will add the fee of \$25.00 for emergency access gate permits for gated communities.

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

No: None

Motion carried.

**Ordinance No. 71-2016 adopted.**

First Readings:

Temporary Legislation #10684, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2017, AND DECLARING AN EMERGENCY, was read by title only.

This is the first step in the process of adopting the 2017 budget for the City of Avon Lake. This ordinance authorizes the County Auditor to collect property taxes levied on all properties in the City. It is at the same millage rate of 8.1 mills.

Temporary Legislation #10685, 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: Kos, Meiners, O'Donnell, Shondel, Bucci , Fenderbosch, James

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10685. The transfer of funds is necessary for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance 72-2016 adopted.**

Temporary Legislation #10686, AN ORDINANCE FIXING COMPENSATION RANGES FOR THE POSITION BILLER-BOOKKEEPER II, AND DECLARING AN ORDINANCE, was read by title only.

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

Yes: Kos, Shondel, Bucci , Fenderbosch, James

No: Meiners, O'Donnell

Motion carried.

June 13, 2016 Council Meeting Minutes

Mr. Shondel moved for passage of Temporary Legislation #10686. The Board of Municipal Utilities approved a seven step pay range for the position. This is a non-bargaining unit position; the wage step system is generally for bargaining unit positions.

Mr. O'Donnell stated that he would support a salary increase if it were the step 1 rate only, but has concerns with giving a non-bargaining unit position step increases as it could have long term ramifications for non-bargaining positions

Mr. Meiners pointed out that the proposed step 1 rate is to make up for the elimination of the PERS pick-up benefit. The subsequent step increases are significant and in excess of 7%. Mr. Meiners stated that he cannot support increases of this magnitude.

Mrs. Fenderbosch read an e-mail from Todd Danielson, Chief Utilities Executive, explaining the proposed pay range. Even though the Biller Bookkeeper II position is not a bargaining unit position, its natural progression is into the Biller Bookkeeper I position which is a bargaining unit position.

Mr. O'Donnell stated that he would support the legislation to include only the Step 1 rate and refer it back to the Human Resources Committee for further review.

Mr. O'Donnell moved to amend Temporary Legislation #10686 to include only the Step 1 rate of \$19.56 per hour.

Mrs. Fenderbosch asked the Law Director if the amendment is appropriate since the Charter states Council can only approve or disapprove a recommendation from the Board of Municipal Utilities. Law Director Lieberman stated that both parties have to agree on the compensation; an amendment would have to be by mutual agreement.

Mr. O'Donnell withdrew his motion.

Mr. James suggested that the motion to suspend the rule requiring three readings be rescinded and postpone the second reading until the June 27<sup>th</sup> Council meeting and pass it as an emergency so it could go into effect immediately to meet the July 1<sup>st</sup> payroll date. This will give Council time to consider the ramifications.

Mr. Shondel moved to postpone the vote on passage of Temporary Legislation #10686 until June 27<sup>th</sup>.

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

No: None

Motion carried.

Temporary Legislation #10687, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT AND CONTRACT RIGHT OF ENTRY WITH NORFOLK

SOUTHERN RAILWAY COMPANY, AND DECLARING AN EMERGENCY, was read by title only.

This will allow for the Krebs Road/Lear Road project to progress.

Temporary Legislation #10688, AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF EDWARD ESBORN TO THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR, 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: Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James

No: None

Motion carried.

Mfr. Shondel moved for passage of Temporary Legislation #10688. Mr. Esborn was chosen from 60 applicants after interviews with Council and the administration. Mayor Zilka reviewed Mr. Esborn's resume.

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

No: None

Motion carried.

**Ordinance No. 73-2016 adopted.**

Temporary Legislation #10689, AN ORDINANCE AUTHORIZING THE PURCHASE OF A BRUSH CHIPPER FOR THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Public Works Director recommends the purchase of a brush chipper from Vermeer Sales & Services in the amount of \$53,449.72. This is a State bid purchase. Two old trailers were traded in at a trade-in value of \$3000.

Temporary Legislation #10690, AN ORDINANCE AWARDED A CONTRACT FOR THE 2016 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

Five bids were received for the 2016 concrete street program with H & J Construction of Avon, Ohio submitting the lowest bid of \$469,950.82. The Public Works Director conducted a thorough screening with the contractor. The contract amount is \$50,000 below the budgeted estimate.

Temporary Legislation #10691, AN ORDINANCE AUTHORIZING THE PURCHASE OF SOLAR POWERED CROSSWALK SIGNALS, AND DECLARING AN EMERGENCY, was read by title only.

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

June 13, 2016 Council Meeting Minutes

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10691.

Mr. Kos moved to amend Temporary Legislation #10691 by changing Section No. 1. to reflect the purchase of two sets of solar powered signals rather than four sets, and changing the amount not to exceed \$13,000, and further to change any reference to Tampco to Signal Service Company.

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

No: None

Motion carried.

The roll was called on passage.

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

No: None

Motion carried.

**Ordinance No. 74-2016 adopted.**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mrs. Fenderbosch, Mr. Reitz, Mr. Danielson , and Mr. Dzwonczyk attended the 2016 Great Lakes Symposium. One of the topics focused on the importance of the St. Lawrence Seaway.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

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

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