

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MARCH 28, 2016**

The regular meeting of the Avon Lake Municipal Council was called to order on March 28, 2016 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, 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.

There being no objections, Mr. Bucci was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the March 14, 2016 Regular Council Meeting were approved as prepared and published.

CORRESPONDENCE

A letter was received from Kopf Builders requesting suspension of the rule requiring three readings and emergency passage of the general development plan for Port West P.U.D.

GUEST

Corinne Gleckler, External Affairs Specialist with Columbia Gas, reviewed the natural gas line replacement project which will occur in the 45's area. A customer information meeting will be held April 19, 2016 at 7:00 P.M. at Learwood Middle School.

MAYOR'S REPORT

Before Avon Lake can commit to the Lorain County General Health District, the administration and Council President O'Donnell decided that the City must be certain about the intention of the City of Elyria and their choice for health services. Mr. Covell from the Health District will address Council at the April 11th Council meeting. The third reading of Temporary Legislation #10645 approving the agreement with Lorain County General Health District will be postponed until April 25th. The City of Elyria will make its decision possibly on April 11th. This will allow members of Avon Lake City Council to be certain of the options available.

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The Government Finance Officers Association announced that the City of Avon Lake received the Certificate of Achievement for Excellence in Financial Reporting for the CAFR.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for April 4th and the next regular Council meeting is scheduled for April 11th.

Elected officials are required to file their Financial Disclosure Statements with the Ohio Ethics Commission by May 16th.

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

Members of the Finance Department are being trained on the new software system. A new chart of accounts is being developed. Many functions of the Finance Department will be decentralized. Someone from each department will have authority to approve various aspects of their operations before going to the Finance Department for completion.

ENVIRONMENTAL COMMITTEE REPORT

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

HUMAN RESOURCES COMMITTEE REPORT

Mr. Shondel is conducting a 20 peer city salary compensation survey for Police Chief, Fire Chief, and Law Director. Ten cities have responded to date.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported on the Public Service Committee meeting held March 28, 2016.

SAFETY COMMITTEE REPORT

The Safety Committee will meet on April 20, 2016 at 6:00 P.M. Gated community legislation will be discussed.

SEWER COMMITTEE REPORT

The Sewer Committee will meet April 14th at 6:30 P.M.

PLANNING COMMISSION REPORT

Planning Commission will meet April 5, 2016 at 7:30 P.M.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the March 23, 2016 meeting of the Zoning Board of Appeals.

MOTIONS

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 a liquor license transfer from Sally's Westshore Pub to Lakehouse LLC. The Police Chief indicated there are no grounds for a hearing.

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

No: None

Absent: Bucci

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 a liquor license transfer from Lettuce Feed You, Inc., dba Athena's Restaurant, to Pancho & Petey Inc., dba Athena's Restaurant. The Police Chief indicated there are no grounds for a hearing.

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

No: None

Absent: Bucci

Motion carried.

Mr. O'Donnell moved to authorize a contract with Zambelli Fireworks Manufacturing Co. in the amount of \$14,000. The Independence Day celebration will be held July 1st with a rain date on July 6th.

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

No: None

Absent: Bucci

Motion carried.

Mr. Shondel moved to accept the resignation of Janine Mackert, Business Liaison, effective May 1, 2016. Mr. Shondel read Mrs. Mackert's letter of resignation.

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

No: None

Absent: Bucci

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #10637R, AN ORDINANCE AMENDING THE PLANNING & ZONING CODE WITH THE ADDITION OF SECTION 1260.10, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10631. This amendment defines and sets the regulations and the approval process for farmers markets. The ordinance has been amended since the first reading to permit the sale of beer and wine made in Ohio for off premises consumption provided such sale complies with all applicable State statues, rules, and regulations.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 35-2016 adopted.

Second Readings:

Temporary Legislation #10642R, AN ORDINANCE APPROVING THE GENERAL DEVELOPMENT PLAN FOR PORT WEST P.U.D., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10642R. Planning Commission approved and recommended the general development plan for Port West. The subdivision is located on Walker Road, west of the Safety Center. The developer asked for emergency passage and suspension of the rule requiring three readings to take advantage of the spring construction season.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 42-2016 adopted.

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

Planning Commission approved and recommended the improvement plans for Arrington Village. The subdivision is located on Webber Road, east of Weiss Field.

Temporary Legislation #10645, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE LORAIN COUNTY GENERAL HEALTH DISTRICT TO PROVIDE HEALTH SERVICES TO THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

Initially a Work Session was scheduled for April 4th with Mr. Covell of the Lorain County General Health District. However, it was decided that it was more important for him to address the Elyria City Council on that night since Avon Lake needs to know Elyria's position on joining the Health District before Avon Lake takes action. Mr. Covell will address Avon Lake Council at the April 11th and will be available for questions. The final vote will probably be postponed to April 25th.

Temporary Legislation #10648, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH COLDWATER CONSULTING LLC FOR PROFESSIONAL SERVICES FOR ECOLOGICAL RESTORATION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10648. Coldwater Consulting will assist the City of Avon Lake with ecological restoration. They have been assisting the City of Lorain and have successfully authored over \$27 million in grant funds. The City of Avon Lake wishes to enter into an agreement with Coldwater Consulting to implement the Ecological Restoration Grant Program and to assist with additional grant writing and restoration design to restore the Lake Erie shoreline and Avon Lake tributaries.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 36-2016 adopted.

First Readings:

Temporary Legislation #10651, AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: Bucci

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10651. American Legal Publishing has completed the 2015 updates and prepared the adopting ordinance.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 37-2016 adopted.

Temporary Legislation #10652, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH GO2IT GROUP FOR INFORMATION TECHNOLOGY MANAGED SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. James moved for passage of Temporary Legislation #10652. The amount of the one-year agreement is \$48,000. The terms of the contract are the same as the 2015 contract. The emergency measure will allow for IT services to continue without interruption. The current contract expires April 1, 2016.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 38-2016 adopted.

Temporary Legislation #10653, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY JAMES PIETRANGELO II, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10653. Porter Wright, outside counsel in this on-going case regarding the skate park, has submitted additional invoices. The approved amount shall not exceed \$10,000.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 39-2016 adopted.

Temporary Legislation #10654, AN ORDINANCE AUTHORIZING A DONATION TO COMMUNITY RESOURCE SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10654. The donation amount is \$17,600 and will be used for Avon Lake residents in need of assistance. The amount of \$10,000 will be sent immediately and the remainder will be sent in July. This will allow CRS to take care of early needs while giving the City payment flexibility.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 40-2016 adopted.

Temporary Legislation #10655, AN ORDINANCE ENACTED BY THE CITY OF AVON LAKE, LORAIN COUNTY OHIO, HEREINAFTER REFERRED TO AS "THE CITY" IN THE MATTER OF THE STATED DESCRIBED PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. James moved for passage of Temporary Legislation #10655. This ordinance is required by the Ohio Department of Transportation to enter into an agreement with ODOT and NOACA for the repaving of SR 83. It is being considered as an emergency measure to expedite the project. Construction should begin in mid-August.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 41-2016 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENT

Residents who do not wish to receive complementary copies of Sun Sentinel newspapers should call 216-999-6000.

The National Do Not Mail List is designed to cut down on the amount of junk mail. Anyone who wishes to be placed on the list should register at www.directmail.com/mail_preference.

March 29, 1973 was the day the last American soldier left Vietnam.

PUBLIC INPUT

Leanne Hoppe, 1587 Ridgewood, Lakewood, thanked Council for approving the farmers market legislation.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Absent: Bucci

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Motion carried.

Adjournment: 8:30 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council