

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
SEPTEMBER 12, 2016**

The regular meeting of the Avon Lake Municipal Council was called to order on September 12, 2016 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci 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; Kelly Marton, Public Works Department Technical Aide; Clerk of Council Barbara Dopp.

Absent: Joseph Reitz, Public Works Director

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

APPROVAL OF MINUTES

The minutes of the August 22, 2016 Council Meeting were approved as prepared and published.

CORRESPONDENCE

Bramhall Engineering sent a letter requesting suspension of the rule requiring three readings and emergency passage of the ordinance approving the vacation plat for the Avon Lake Animal Clinic.

MAYOR'S REPORT

The Big Splash Dog Swim sponsored by Love-a-Stray was held at the municipal pool.

A fishing event was held at Walker Road Park. Nicole Haas of the Recreation Department secured a State grant to encourage fishing.

The University Hospital Fitness Center in Avon sponsored a twelve week community challenge between Avon Lake and Avon. The final score is: Avon 1304; Avon Lake 1320.

Avon Lake Schools are teaming up with ASSIST, a local drug awareness and opiate addiction group. A forum will be held on October 11, 2016 at the Avon Lake Public Library.

COUNCIL PRESIDENT'S REPORT

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A Work Session will be held September 19th. Recreation Director Pinchek will report on Recreation Department activities and summer programs. A CCM will follow the Work Session. The next regular Council meeting will be held September 26th.

The Saddle Club held their Hay Day event for all children giving them the opportunity to ride and learn about horses.

LAW DIRECTOR'S REPORT

The Law Director's litigation update was distributed.

FINANCE DIRECTOR'S REPORT

The new finance software system will be live on October 1, 2016. Tyler Technologies conducted training sessions for all departments.

ENVIRONMENTAL COMMITTEE REPORT

During the first eight months on the year, the Public Works Department collected 36 deer carcasses compared to 55 at the same time last year. The Police Department had seven reported auto/deer accidents compared to 16 for the same time last year.

HUMAN RESOURCES COMMITTEE REPORT

A Human Resources Committee meeting is scheduled for October 3, 2016 at 6:00 P.M. in the Public Works Conference Room.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the Safety Committee meeting held August 24, 2016.

SEWER COMMITTEE REPORT

Avon Lake Regional Water wishes to secure an easement at Kenwyn Village in Avon to ensure an appropriate setback from the ETL2 line.

Todd Danielson, Chief Utilities Executive, explained that there is a high pressure water main running south to Medina County on the edge of an easement. If a leak occurs in the line there could be significant damage to homes. By acquiring the easement, ALRW will ensure the safety of homes and allow them to maintain the line in the future.

ALRW wishes to purchase property in Lorain to construct a pumping station for the Elyria emergency interconnection. ALRW will be responsible for 40% of the purchase price which amounts to \$16,000.

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Mr. Danielson explained that this project is a result of the frazzle ice incidents in 2014 and 2015. An agreement has been formed between ALRW, the City of Elyria, and the Lorain County Rural Water Authority for emergency backup supply of water.

The next meeting of the Sewer Committee is scheduled for October 13, 2016 at 6:30 P.M. in the Public Works Conference Room.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the results of the September 7, 2016 Planning Commission meeting.

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 stock transfer for Walgreens. The Police Department has no objections.

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

No: None

Motion carried.

Mr. James moved to accept a donation of an Automated External Defibrillator. Glen and Barb Kuemerle donated the defibrillator to be used at the ball fields. The value is \$1,960.00

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #10706, AN ORDINANCE TO REZONE PROPERTY AT WALKER ROAD AND TAYLOR AVENUE, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10706. At the June 7, 2016 meeting, Planning Commission approved and recommended the rezoning of property at Walker Road and Taylor Avenue for the best use of the property. The property will be rezoned from B-2 General Commerce to R-3 Multi-family. The developer will add to the existing condominium development.

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

No: None

Motion carried.

Ordinance No. 113-2016 adopted.

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Temporary Legislation #10708R, AN ORDINANCE DESIGNATING THE HUBBARD-DUERK HOUSE LOCATED AT 549 AVON BELDEN ROAD AS A HISTORIC LANDMARK, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10708. At the June 7, 2016 meeting, Planning Commission approved and recommended granting historic designation to the property at 549 Avon Belden Road. The home was built circa 1850.

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

No: None

Motion carried.

Ordinance No. 114-2016 adopted.

Second Reading:

Temporary Legislation #10727, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 220.26, ENTITLED SUBPOENAS, was read by title only.

The amendment will modify the authority of Council to reflect the language in the Charter.

First Readings:

Temporary Legislation #10730, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.02, VACATIONS, was read by title only.

Mr. Shondel stated that this and the next six ordinances all come under the general category of adding consistency to the ordinances to treat all non-bargaining unit and bargaining unit employees exactly the same.

Temporary Legislation #10731, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.03, SICK LEAVE, was read by title only.

This amendment will bring consistency to the definition of immediate family, maternity leave, and the rules of cashing in unused sick leave.

Temporary Legislation #10732, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.06, HOLIDAYS, was read by title only.

This amendment defines holidays for the Fire Department and Police Department shifts.

Temporary Legislation #10733, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.07, UNIFORM ALLOWANCES, was read by title only. This amendment will grant a \$600.00 annual uniform allowance to the Public Works Director to be consistent with the benefit provided to the bargaining unit employees.

Temporary Legislation #10734, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.11, LONGEVITY COMPENSATION, was read by title only.

This amendment will increase the longevity pay by \$100 for each of the longevity pay categories for all non-bargaining unit employees to be consistent with the benefit provided to bargaining unit employees.

Temporary Legislation #10735, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.15, EDUCATIONAL INCENTIVE COMPENSATION, was read by title only.

This amendment will increase the amount of educational incentive pay for the following degrees: Associates Degree - \$450.00 per year; Bachelor's Degree - \$500.00 per year; Master's Degree - \$750.00 per year; Doctorate Degree - \$1000.00 per year.

Temporary Legislation #10736, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.21, REIMBURSEMENT OF CERTAIN RETIRED EMPLOYEES COST OF SPOUSE'S INSURANCE, was read by title only.

This amendment will allow for payment of \$100 per month for the health care of a retired person's non-working spouse for up to 36 months.

Temporary Legislation #10737, PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Meiners moved for passage of Temporary Legislation #10737. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

Ordinance No. 115-2016 adopted.

Temporary Legislation #10738, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PROGRAM MANAGER FOR THE CITY OF AVON LAKE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10738. Mr. Shondel explained that adoption of this job description will establish a new management supervisory position within the Recreation Department.

Recreation Director Pinchek explained that the Recreation Department currently has a Program Coordinator position which supervises day to day activities and staff in a management style. The position needs to be adjusted with the new job description to truly reflect the management, supervisory role of the current Program Coordinator. The Program Coordinator would be able to manage the department in the absence of the Director.

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

No: None

Motion carried.

Ordinance No. 116-2016 adopted.

Temporary Legislation #10739, AN ORDINANCE AWARDED A CONTRACT FOR STREET CENTERLINE AND EDGE LINE STRIPING, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10739. One bid was received from Oglesbay Construction in the amount of \$109,650. Oglesbay does a considerable amount of work for ODOT and is the contractor for the SR 83 paving project.

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

No: None

Motion carried

Ordinance No. 117-2016 adopted.

Temporary Legislation #10740, AN ORDINANCE AWARDED A CONTRACT FOR THE 2016 CONCRETE STREET PROGRAM, PHASE 2, 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: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10740. Bids were opened August 11, 2016. Denes Concrete submitted the low bid of \$129,690.00.

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

No: None

Motion carried.

Ordinance No. 118-2016 adopted.

Temporary Legislation #10741, AN ORDINANCE AUTHORIZING THE PURCHASE OF RADIO REPEATER EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

This purchase is part of a larger project that will allow Avon Lake to convert to digital format along with the Cities of Avon and Sheffield Lake, the Cities with which Avon Lake shares a frequency. Avon Lake's portion is \$19,450.

Temporary Legislation #10742, AN ORDINANCE AUTHORIZING THE PURCHASE OF RADIO EQUIPMENT FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

Twenty mobile radios need to be purchased for the digital conversion project. They will be purchased from Vasu Communications in the amount of \$49,535.50. The cost will be reimbursed from a grant.

Temporary Legislation #10743, AN ORDINANCE IMPOSING A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE FOR THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE, IN ORDER TO ALLOW COUNCIL AND PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES, AND THE PLANNING AND ZONING CODE RELATIVE TO SUCH USE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. Kos moved for passage of Temporary Legislation #10743. The moratorium will last for 180 days to allow Avon Lake to determine how the new State law will impact Avon Lake and make any necessary adjustments to the building and zoning codes.

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

No: None

Motion carried.

Ordinance No. 119-2016 adopted.

Temporary Legislation #10744, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTIONS 1024.06 (h) AND 1024.10, EMERGENCY ACCESS GATES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10744. The Safety Committee recommended amendments to the emergency gate access ordinance to clarify maintenance requirements.

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

No: None

Motion carried.

Ordinance No. 120-2016 adopted.

Temporary Legislation #10745, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND REPEALING RESOLUTION NO. 169-2015. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10745. Resolution No. 169-2015 was adopted for a submerged land lease at 31906 Lake Road. The Department of Natural Resources requires a new or revised resolution to include more specific language to describe the project.

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

No: None

Motion carried.

Ordinance No. 121-2016 adopted.

TEMPORARY LEGISLATION #10746, APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF 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: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10746. Judge Bilancini wishes to hire a full-time Deputy Clerk to replace a part-time clerk who resigned and a part-time clerk who will be retiring.

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

No: None

Motion carried.

Ordinance No. 122-2016 adopted.

Temporary Legislation #10747, AN ORDINANCE AUTHORIZING WAGE INCREASES FOR CERTAIN COURT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10747. Judge Bilancini wishes to raise the salaries of certain Court personnel to make them closer to Deputy Clerks' salaries in other communities. The Clerk of Court conducted a survey of comparable wages in the Huron and Vermilion Municipal Courts that are similar in size. The work load of the Court has increased greatly since transitioning from a part-time to a full-time Court.

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

No: None

Motion carried.

Ordinance No. 123-2016 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

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Mr. Shondel announced that September 14th will mark the 202nd anniversary of the Star Spangled Banner written by Francis Scott Key as he witnessed the bombardment of Ft. McHenry.

Avon on the Lake Garden Club will hold a flower show at the Avon Lake Public Library on September 17th and 18th.

PUBLIC INPUT

Paul Orlouski, Williamsburg Drive, expressed his opposition to using the wooded area near his home as a staging area for a Utilities project.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Approved: _____
Council President

Attest: _____
Clerk of Council