The following business is to be considered at the regular meeting of the Avon Lake City Council on July 8, 2019 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Arnold, Mrs. Campo, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. O’Donnell, Mr. Zuber, Mayor Zilka, Law Director Lieberman, Finance Director Presley, Public Works Director Reitz.

Correspondence

Approval of Minutes: June 10, 2019 Council Meeting and June 24, 2019 Council Meeting as prepared and published.

Reports

Mayor
Council President
Public Works Director
Law Director
Finance Director
Standing Committees
Special Committees

Audience Participation

Motions

Accepting the resignation of Scott Orille from the Civil Service Commission effective July 31, 2019. – J. Fenderbosch.

Confirming the Mayor’s reappointment of Joe Carson to the Community Improvement Corporation for a term expiring August 1, 2022 – M. O’Donnell.

Confirming the Mayor’s reappointment of Erin Rudy to the Community Improvement Corporation for a term expiring August 1, 2022 – M. O’Donnell.

Authorizing the advertisement of bids for the Moore Road Culvert Replacement Project. – R. James.

Authorizing the advertisement of bids for the Jaycox Road Paving/Gable Creek Culvert Project. – R. James.

Recommending the approximate location and design for the Bicentennial Living Garden in Miller Road Park – D. Kos.

Confirming the recommendation of Planning Commission to permit a Conditional Use to tear down Sally’s Bar building and use of the property for a parking lot for Kowalski Ford, 94 Westshore Drive. – J. Fenderbosch.

Legislation

Second Readings:

Temporary Legislation #11268, approving a wage increase for Stephanie Biggers, Cable Production Coordinator. →

Temporary Legislation #11271, adopting the job description for the Fire Inspector in the Fire Department. →

Temporary Legislation #11277, repealing Codified Ordinance Section 630.10, entitled Coin-Operated Electronic Gaming Devices.

Temporary Legislation #11278, amending Codified Ordinance Section 208.01, entitled General Fee Schedule.

First Readings:

Temporary Legislation #11280, rezoning 525 Moore Road from R-1 Residence District to B-2 General Business District.

Temporary Legislation #11281, authorizing the Mayor to enter into a CRA Tax Incentive Agreement with Dorin Properties, LLC. →

→Suspension of the rule requiring three readings
Temporary Legislation #11282, providing for transfers. →

Temporary Legislation #11283, awarding a contract for the Overlook Park Playground Project. →

Temporary Legislation #11284, awarding a contract for the 2019 Asphalt Street Program. →

Temporary Legislation #11285, awarding a contract for the 2019 Concrete Street Program. →

Temporary Legislation #11286, authorizing actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2019 Energized Community Grant. →

Temporary Legislation #11287, authorizing the Mayor to enter into an agreement for the 2019 Recycling and Composting Grant Program. →

Temporary Legislation #11288, awarding a contract for the City Hall Window Replacement Project. →

Temporary Legislation #11289, awarding a contract for the installation of crosswalk signs at Belmar Boulevard and Walker Road. →

Temporary Legislation #11290, authorizing the Mayor to submit an application to participate in the Ohio Public Works Commission (OPWC) Capital Improvement Program. →

Temporary Legislation #11291, adopting the Solid Waste Management Plan for the Lorain County Solid Waste Management District. →

Temporary Legislation #11292, awarding a contract for the construction of the Veterans Memorial Park Gazebo Project. →

Temporary Legislation #11293, amending Codified Ordinance Section 432.30, entitled Stopping for School Bus.

Temporary Legislation #11294, amending Ordinance No. 78-2019 to specify the terms of the Ohio Water Development Authority Loan for Construction of the 2019 Water Line Replacement Bundle. →

Temporary Legislation #11295, approving the Preliminary Plan for Lear Road Holdings. →

Temporary Legislation #11296, approving the Final Plat for Chandon Subdivision No. 3. →

→Suspension of the rule requiring three readings
Temporary Legislation #11297, repealing Chapter 856 of the Codified Ordinances and enacting new Chapter 856 to replace the procedure for the issuance of permits for mobile food vehicles to operate special events or private parties and amending the fee schedule. →

Miscellaneous Business and Announcements

Public Input

Adjournment
ORDINANCE NO. _________

AN ORDINANCE APPROVING A WAGE INCREASE FOR STEPHANIE BIGGERS, CABLE PRODUCTION COORDINATOR, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Human Resources Committee that Stephanie Biggers should be granted a wage increase, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put it into effect, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following employee be granted the following rate increase effective August 1, 2019.

Stephanie Biggers  Cable Production Coordinator  $16.97/hour

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fulfilling commitments to certain City personnel and complying with the Wage and Salary Administration Code. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 6/24/19
2nd reading:
3rd reading:

PASSED: ____________________________
President of Council

POSTED: ____________________________
Approved
ORDINANCE NO. ________

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FIRE INSPECTOR IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 12-2016.

WHEREAS, it has been recommended by the Administration and the Human Resources Committee that a job description for the position of Fire Inspector in the Fire Department be adopted;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Fire Inspector in the Fire Department shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That Ordinance No. 12-2016 is hereby repealed.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/24/19
2nd reading:
3rd reading:

PASSED: _________________________
______________________________
President of Council

POSTED: _________________________
______________________________
Approved

ATTEST: _________________________
______________________________
Clerk of Council Mayor
Job Title: Fire Inspector

Department: Avon Lake Fire Department

Immediate Supervisor: Assistant Fire Chief

Positions Supervised: NA

FLSA Status: Non-Exempt

Bargaining Unit: NA

Civil Service Status: Unclassified

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. The specifications are not intended to reflect all duties performed within the job.

GENERAL RESPONSIBILITIES:

Perform fire inspections, and other duties assigned to the fire prevention bureau.

GENERAL QUALIFICATIONS:

High school diploma or GED

Valid State of Ohio driver’s license

Valid State of Ohio CPR and First Aid training

Valid State of Ohio Certified Fire Safety Inspector certification

GENERAL DUTIES

The following duties are typical for this classification. Employees may not perform all of the listed duties and may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.
Essential Functions

Follow all rules, regulations, policies, procedures and directives; receive and relay telephone calls.

Perform inspections of commercial and industrial businesses

Perform planning and building reviews

Participate in fire drills; present talks and programs to the community on safety, medical and fire prevention topics.

Coordinate PSA announcements for cable television

Plan and coordinate fire prevention week activities with Avon Lake schools

Plan and coordinate annual “Big Trucks” open house event.

Maintain Occupancy Records.

Obtain pre-fire planning information.

Complete any other assigned tasks as directed by superior officers.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

The job description does not constitute an employment agreement between the City of Avon Lake and the employee and is subject to change by the City as the needs of the City and the requirements of the job change.

Knowledge of rules, regulations and standard operating guidelines of the fire department.

Ability to understand and follow verbal and written instructions.

Ability to continue professional growth throughout career.

Ability to assist in educating the public in fire and life safety.
PHYSICAL AND MENTAL DEMANDS

The physical demands described here are representative of those that must be met by a Fire Inspector to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Average activity for routine work. When fulfilling primary function Fire Safety Inspector, physical activity includes climbing, walking, crawling, lifting and reaching in businesses and industry and sometimes in inclement weather; close visual application and attention to detail; ability to reason and learn. While performing the duties of this job, the employee is frequently required to stand, walk, use hands and fingers to feel, handle, or operate objects, tools or controls; reach with hands and arms. Occasionally required to climb, balance, stoop, kneel, crouch, crawl, talk, hear, taste and smell. Vision abilities include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those that a Fire Inspector encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is often performed in inclement weather, hazardous and stressful conditions including smoke and gas filled environments, high places, confined areas, extreme heat and cold, high noise levels. The employee occasionally works near moving mechanical parts in high, precarious places and is occasionally exposed to wet and/or humid conditions, risk of electrical shock and vibration.
ORDINANCE NO. ________

AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 630.10, ENTITLED COIN-OPERATED ELECTRONIC GAMING DEVICES.

WHEREAS, the Building Official and Safety Committee have recommended that Codified Ordinance Section 630.10, entitled Coin-Operated Electronic Gaming Devices, should be repealed;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 630.10 is hereby repealed.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/24/19
2nd reading:
3rd reading:

PASSED: _________________________ ____________________________ President of Council

POSTED: _________________________ ____________________________ Approved

ATTEST: _________________________ ____________________________
        Clerk of Council Mayor
ORDINANCE NO. ________

AN ORDINANCE AMENDING CODIFIED ORDINANCE
SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Section 208.01, the General Fee Schedule; and

WHEREAS, Council coming now to consider said recommendation approves it in full;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 208.01(b)H is hereby amended as follows:

(b) Building Department

<table>
<thead>
<tr>
<th>H. Miscellaneous.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pinball and electronic games</td>
<td>25.00</td>
</tr>
<tr>
<td>Additional games (each)</td>
<td>20.00</td>
</tr>
<tr>
<td>2. Siding</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/24/19
2nd reading:
3rd reading:
ORDINANCE NO. __________

AN ORDINANCE TO REZONE PROPERTIES OWNED BY MOORE ROAD PROPERTIES, LTD. DESIGNATED AS PERMANENT PARCEL NUMBER 04-00-008-102-001 AND PERMANENT PARCEL NUMBER 04-00-008-101-080 FROM R-1 RESIDENCE DISTRICT TO B-2 GENERAL BUSINESS DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of June 4, 2019 approved a request to rezone two parcels of property owned by Moore Road Properties, Ltd., known as 525 Moore Road, located south of Walker Road and north of Park Place Drive, designated by the County Auditor as PPN 04-00-008-102-001 and PPN 04-00-008-101-080, and more particularly described in Exhibit A attached hereto and made a part hereof (the “Property”);

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Property, which is presently zoned R-1 Residence District, be and it is hereby rezoned to B-2 General Business District.

Section No. 2: That the official zoning map and the Planning and Zoning Code of the City of Avon Lake be, and it is hereby amended accordingly, and the Municipal Engineer is directed to make the necessary changes thereto.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to allow the property owner to market and attract tenants to the vacant building at 525 Moore Road and to contribute to the economic development of Avon Lake, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.
1st reading: 
2nd reading: 
3rd reading: 
PASSED: _________________________ ____________________________ President of Council
POSTED: _________________________ ____________________________ Approved
ATTEST: _________________________ ____________________________
    Clerk of Council                     Mayor
EXHIBIT A
[Legal Description]

PARCEL NO. 4: Situated in the City of Avon Lake, County of Lorain and State of Ohio, and known as being all of Sublot No. 13 and all of Monroe Avenue in the Sunny Slope Subdivision No. 1 of part of Original Avon Township Section No. 8, as shown by the recorded plat in Volume 19 of Plats, Page 21-A of Lorain County Records, and part of Original Avon Township Section No. 8, together forming a parcel of land bounded and described as follows:

Beginning at a 1" iron pin in a monument box at the northwesterly corner of said Sublot No. 8 on the centerline of Walker Road, 86 feet wide, at its intersection with the centerline of Moore Road, 80 feet wide;

Thence South 0° 30' 00" West along the westerly line of said Section 8, which line is also the centerline of Moore Road, a distance of 400.00 feet to the southwesterly corner of a parcel of land conveyed to Briarwood Investments, Inc., by deed recorded in Volume 1248, Page 374 of Lorain County Official Records;

Thence South 89° 40' 50" East along the southerly line of land so conveyed to Briarwood Investments, Inc., a distance of 40.00 feet to the easterly line of Moore Road and the principal place of beginning;

Thence continuing South 89° 40' 50" East along the southerly line of land so conveyed to Briarwood Investments, Inc., passing through a 1" iron pipe found at 0.11 feet a distance of 190.00 feet to a 5/8" capped (Reitz Eng) iron pin set;

Thence South 0° 30' 00" West a distance of 224.48 feet to a 5/8" capped (Reitz Eng) iron pin set at the northeast corner of Sublot No. 12 in said Sunny Slope Subdivision No. 1;

Thence North 89° 40' 45" West along the northerly line of said Sublot No. 12, a distance of 190.00 feet to a 5/8" capped (Reitz Eng) iron pin set on the easterly line of Moore Road;

Thence North 0° 30' 00" East along the easterly line of Moore Road a distance of 224.48 feet to the principal place of beginning, and containing 0.5791 acre (42,651 square feet) of land, according to a survey by the Henry G. Reitz Engineering Company, Donald E. Wolke, Registered Surveyor No. 5547, dated February 2000, be the same more or less, but subject to all legal highways. All bearings are to an assumed meridian and used to denote angles only.

PPN 04-00-008-102-001; 04-00-008-101-080
ORDINANCE NO. ________

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH DORIN PROPERTIES, LLC. WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor of the City of Avon Lake be, and he is hereby authorized and directed to enter into a CRA Tax Incentive Agreement with Dorin Properties, LLC, to assist with the construction of a 1,500 square foot addition to their current building at 668 Moore Road, which is within a designated Community Reinvestment Area. A copy of the CRA Tax Incentive Agreement is attached hereto as “Exhibit A”.

Section No. 2: That the Mayor be, and is hereby authorized to execute said Agreement and to take such action and to execute such other documents and amendments thereto as may be necessary and as are approved by the Law Director.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code §121.22.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, in order that Dorin Properties may begin construction activities as soon as possible to further the economic development of Avon Lake and bring new jobs to the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: _________________________ ___________________________
President of Council

POSTED: _________________________ ___________________________
Approved

ATTEST: _________________________ ___________________________
Clerk of Council Mayor
THIS AGREEMENT is made and entered into this ______ day of July, 2019, by and between the City of Avon Lake, Ohio, with its Municipal building located at 150 Avon Belden Road, Avon Lake, Ohio, 44012 (hereinafter referred to as the “City of Avon Lake”) and Dorin Properties, LLC (Real Property Owners) with its principal offices located at 668 Moore Road, Avon Lake, Ohio, 44012 (hereinafter referred to as “Dorin Properties.”).

W I T N E S S E T H:

WHEREAS, Dorin Properties is an Ohio limited liability company and will own the real estate at 668 Moore Rd., and Catania Medallion Specialty, Inc. is an Ohio corporation that will operate at the site; and;

WHEREAS, City of Avon Lake has encouraged the development of real property located in the area designated as Community Reinvestment Area; and,

WHEREAS, Dorin Properties desires to build a 1,500 square foot addition to their current building at 668 Moore Road, where they will retain twenty-five (25) full and part time jobs, and add two (2) full time jobs and one (1) part time job by the end of 2020; and,

WHEREAS, the Property, with a business mailing address of 668 Moore Road, Avon Lake, Ohio 44012, is owned by Dorin Properties; and,

WHEREAS, the Municipal Council of the City of Avon Lake, Ohio, by resolution No. 132-94 adopted on June 20, 1994, amended and replaced by Resolution No. 82-2014 adopted June 24, 2014, designated the area as a “Community Reinvestment Area” pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of Avon Lake, having the appropriate authority for the stated type of project, is desirous of providing Dorin Properties with tax incentives available for the development of the Project in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Dorin Properties has submitted an Application for Tax Incentive to the City of Avon Lake; and

WHEREAS, Dorin Properties has been investigated and recommended to the Council of the City of Avon Lake on the basis that it is qualified by financial responsibility and business experience to create and preserve employment opportunities in said
Community Reinvestment Area and improve the economic climate of the City of Avon Lake; and

WHEREAS, the project site as proposed by Dorin Properties is located in the Avon Lake School District whose Board of Education has been notified in accordance with ORC §3735.671 and has been given a copy of this Agreement; and

WHEREAS, pursuant to ORC §3735.67(A) and in conformance with the format required under ORC §3735.671(B), the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Dorin Properties will build a 1,500 square foot addition to their current building at 668 Moore Road.

   The Project will include the following investments by Dorin Properties:

   i. Acquisition of land and buildings $  0
   ii. Additions/New Construction    $ 250,000
   iii. Improvements to Existing Buildings $  10,000
   iv. Machinery & Equipment        $  10,000
   v.  Furniture & Fixtures          $  25,000
   vi.  Inventory                   $   5,000

   **Total Project Investment** $ 300,000

2. The Project shall commence in Summer, 2019. It is expected that the Project will be concluded by Fall, 2019.

3. The Project will create a total of two (2) new full-time jobs and one (1) new part time job by the end of 2020.

4. Catania Medallic currently has a payroll of Eight Hundred Twelve Thousand Dollars ($812,000).

5. The City of Avon Lake hereby grants Dorin Properties a limited exemption from taxation. The limited exemption shall apply to the improvements made to the real property located at 668 Moore Road, Avon Lake, Ohio 44012 and included in the Project site pursuant to ORC §3735.67 and shall be noted as follows:
<table>
<thead>
<tr>
<th>REAL PROPERTY TAX</th>
<th>TAX EXEMPTION</th>
<th>LENGTH OF EXEMPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land, Buildings &amp; Improvements</td>
<td>50%</td>
<td>10 Years</td>
</tr>
</tbody>
</table>

6. The exemption shall commence the first year for which the improvements to the Property would first be taxable were the Property not exempted from taxation. The exemption shall continue for a period of 10 years after the improvements to the Property would first be taxable were the Property not exempted from taxation. No exemption from taxation shall commence before January 1, 2020, nor after December 31, 2022.

7. Dorin Properties shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. If Dorin Properties fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

8. Dorin Properties hereby certifies that at the time this Agreement is executed, Dorin Properties does not owe any delinquent real or tangible personal property taxes for which Dorin Properties is liable under Chapters 5733, 5735, 5741, 5743, 5747 and 5753 of the Ohio Revised Code. For the purpose of this certification, delinquent taxes are taxes that remain unpaid on the last day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.

9. The City of Avon Lake shall perform such acts as are reasonably necessary or appropriate to affect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

10. If for any reason the City of Avon Lake revokes the designation of the area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Dorin Properties materially fails to fulfill its obligations under this Agreement or the City of Avon Lake terminates or modifies the exemptions from taxation pursuant to the Agreement.
11. The City of Avon Lake may terminate or modify the exemptions from taxation pursuant to this Agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement if Dorin Properties materially fails to fulfill its obligations under this Agreement (hereinafter “material failure”). A material failure includes, but is not limited to:

   a. Dorin Properties’ obligation to complete the Project as described herein as well as the obligation to retain existing jobs and create new jobs.

   b. Dorin Properties’ obligation, if any, to make any payment or transfer of other consideration to the Avon Lake School District in lieu of taxes being exempted under this Agreement; and

   c. Dorin Properties’ certification as to the delinquent taxes required by this Agreement is determined to be false or fraudulent.

12. Dorin Properties shall provide to the Avon Lake Housing Council Review Board, or other property Tax Incentive Review Council, any information reasonably required by the Council to evaluate Dorin Properties’ compliance with the Agreement, including returns filed pursuant to ORC §5711.02 if requested by Council.

13. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Dorin Properties, or any successor that obtains an interest in the Property and encompassed within the Project, or any related member (as those terms are defined in Division (3) of ORC §3735.671) has violated the prohibition against entering into this Agreement under Division (E) of ORC §§3735.671 or ORC §§5709.62, or 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

14. Dorin Properties shall pay the application fee of Seven-hundred and Fifty Dollars ($750.00) to the Ohio Development Services Agency pursuant to ORC §3735.671(D).

15. ORC §3735.671(D) allows the City of Avon Lake to waive the annual fee established under that Section. The City of Avon Lake waives this fee, and there will be no annual fee owed by Dorin Properties to the City of Avon Lake under this agreement.

16. Dorin Properties must file the appropriate tax forms, including but not limited to Form (DTE 24) with the County Auditor, and any other appropriate entities, to affect and maintain the exemptions covered in the Agreement.
17. The City of Avon Lake has developed a policy to ensure recipients of Community Reinvestment Area tax abatement maintain and apply non-discriminatory practices in all hiring and operations associated with the Project. By execution of this Agreement, Dorin Properties hereby commits to non-discriminating hiring practices acknowledging that no individuals shall be denied employment solely on the basis of race, religion, disability, color, national origin, familial status or ancestry.

18. Dorin Properties acknowledges that, as a condition precedent, this Agreement must be approved by formal action of the Municipal Council of the City of Avon Lake. As an additional condition for the Agreement to take effect, the Agreement must also be reviewed and approved by the Ohio Department of Development and the Lorain County Auditor.

19. This Agreement is not transferable or assignable without the express written approval of the City of Avon Lake. Any notices, statements, acknowledgment, consent approvals, certificates or requests required to be given on behalf of either party shall be in writing as follows:

**If to the City of Avon Lake, Ohio:**

City of Avon Lake
150 Avon Belden Road
Avon Lake, Ohio 44012
ATTN: Mayor's Office

**If to Dorin Properties:**

Dorin Properties
668 Moore Road
Avon Lake, Ohio 44012
Attn: Vince Frank

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the duly authorized representatives as of the date and year set forth above:

**Witnessed by:**

The City of Avon Lake

By: _____________________________
Gregory J. Zilka, Mayor

**Witnessed by:**

Dorin Properties

By: _____________________________
Its: _____________________________
ORDINANCE NO. ______

AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Finance Director that certain transfers of funds are needed;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following transfers be executed for the months of July, August, and September:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>204 Income Tax Transfer Fund</td>
<td>101 General Fund</td>
<td>$1,031,891.24</td>
</tr>
<tr>
<td></td>
<td>301 Bond Retirement (Unvoted) Fund</td>
<td>$129,166.66</td>
</tr>
<tr>
<td></td>
<td>207 Income Tax Capital Improvement Fund</td>
<td>$187,500.00</td>
</tr>
<tr>
<td></td>
<td>240 Recreation Fund</td>
<td>$33,333.33</td>
</tr>
</tbody>
</table>

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of transferring funds for the current and necessary expenses of the City of Avon Lake, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: ________________________ President of Council

POSTED: _________________________ Approved

ATTEST: _________________________ Mayor

Clerk of Council
ORDINANCE NO. ______

AN ORDINANCE AWARDING A CONTRACT FOR THE
OVERLOOK PARK PLAYGROUND PROJECT, AND
DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the Overlook Park Playground Project, which have been and are now on file in the Public Works Department; and

WHEREAS, further in accordance with the direction of Council, the Public Works Department has caused notice to be given as provided by law, inviting bids for construction of said improvements, bids having been received, opened and tabulated as provided by law; and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Snider Recreation, Inc. of North Royalton, Ohio, is the lowest and best responsive bid and is acceptable to this Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Snider Recreation, Inc. of North Royalton, Ohio (hereafter referred to as “Contractor”) for the Overlook Park Playground Project for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $119,927.00, with $79,927.00 being the City’s portion and $40,000.00 being Avon Lake Regional Water’s portion.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $119,927.00 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.
Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of installing a new playground during the summer season, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _________________________ President of Council

POSTED: _________________________ Approved

ATTEST: _________________________ Mayor

Clerk of Council
ORDINANCE NO. ______

AN ORDINANCE AWARDING A CONTRACT FOR THE 2019 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the 2019 Asphalt Street Program, which have been and are now on file in the Public Works Department; and

WHEREAS, further in accordance with the direction of Council, the Public Works Department has caused notice to be given as provided by law, inviting bids for construction of said improvements, bids having been received, opened and tabulated as provided by law; and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Precision Paving, Inc. of Milan, Ohio, is the lowest and best responsive bid and is acceptable to this Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Precision Paving, Inc. of Milan, Ohio (hereafter referred to as "Contractor") for the 2019 Asphalt Street Program for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $357,307.50.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $357,307.50 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.
Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of implementing the 2019 Asphalt Street Program during the summer construction season to provide safe roads in the City of Avon Lake, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _________________________
President of Council

POSTED: _________________________
Approved

ATTEST: _________________________
Clerk of Council
Mayor
ORDINANCE NO. _________

AN ORDINANCE AWARDING A CONTRACT FOR THE 2019 CONCRETE STREET PROGRAM, PHASE 2, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the Public Works Department has prepared plans and specifications for the 2019 Concrete Street Program, Phase 2, which have been and are now on file in the Public Works Department; and

WHEREAS, further in accordance with the direction of Council, the Public Works Department has caused notice to be given as provided by law, inviting bids for construction of said improvements, bids having been received, opened and tabulated as provided by law; and

WHEREAS, Council coming now to consider said bids has determined that the bid submitted by Set In Stone Contracting LLC of Valley City, Ohio, is the lowest and best responsive bid and is acceptable to this Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Set In Stone Contracting, LLC of Valley City, Ohio (hereafter referred to as “Contractor”) for the 2019 Concrete Street Program, Phase 2 for the City of Avon Lake, Ohio, in accordance with the plans and specifications, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $169,262.50.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $169,262.50 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.
Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Department that the construction has been completed to the full satisfaction of the Public Works Department and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of implementing the 2019 Concrete Street Program, Phase 2 during the summer construction season to provide safe roads in the City of Avon Lake, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: ________________________  President of Council

POSTED: _________________________  Approved

ATTEST: ________________________  Mayor

Clerk of Council
AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2019 ENERGIZED COMMUNITY GRANT(S), AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant(s) for 2019 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

WHEREAS, the City of Avon Lake has previously entered into a Grant Agreement with NOPEC, Inc. on November 26, 2018 to receive one or more NEC Grant(s);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

SECTION 1. This City Council finds and determines that it is in the best interest of the City to accept the NEC Grant(s) for 2019, and authorizes the Mayor to accept the NEC Grant(s) funds.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor.

PASSED: _____________________________
President of Council

POSTED: ____________________________
Approved

ATTEST: ____________________________
Mayor
A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS THROUGH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2019 RECYCLING AND COMPOSTING GRANT PROGRAM PURSUANT TO THE LORAIN COUNTY SOLID WASTE PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the Avon Lake City Council and Administration recognize the existence of a problem with recycling/composting within the boundaries of the City of Avon Lake and the need to address the problem at the local level; and

WHEREAS, the Lorain County Board of Commissioners provides through the Lorain County Solid Waste Management District Plan for the purpose of allocation of funds in the form of grants for the purposes of supplemental recycling/composting programs;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Council of the City of Avon Lake hereby endorses and supports a Recycling/Composting Program for the City of Avon Lake and authorizes the necessary funds to implement said program, if approved, as indicated in its application.

Section No. 2: That the Mayor of the City of Avon Lake is hereby authorized to apply for and, if awarded, enter into agreement with the Lorain County Solid Waste Management District to administer a grant to implement said program, and that the Mayor of the City of Avon Lake is hereby authorized to sign said agreement.

Section No. 3: That the Council of the City of Avon Lake hereby requests the Lorain County Solid Waste Management District to consider and fund its program as described in the application.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any
of its committees which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity to file an application in a timely manner for the purpose of acquiring funds to address the recycling/composting problem in Avon Lake, thus for the public health, safety, and welfare. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _______________________  President of Council

POSTED: _______________________  Approved

ATTEST: _______________________  Mayor

Clerk of Council
ORDINANCE NO. ________

AN ORDINANCE AWARDING A CONTRACT FOR THE
CITY HALL WINDOW REPLACEMENT PROJECT, AND
DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake Charter, entitled
Competitive Bidding, authorizes the awarding of contracts under
$50,000 without public bidding; and

WHEREAS, the Public Works Director has solicited quotations
for the City Hall Window Replacement Project; and

WHEREAS, Council coming now to consider said quotations has
determined that the quotation submitted by B-K Window and Door of
Westlake, Ohio, is the best responsive quotation and is
acceptable to this Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the quotation by B-K Window and Door of
Westlake, Ohio (hereafter referred to as “Contractor”) for energy
efficient window replacements, in accordance with the plans and
specifications, be and the same is hereby awarded to said
Contractor in accordance with said plans and specifications and
quotation received. The total amount of said contract is in the
sum of $19,470.00.

Section No. 2: That the Contractor shall furnish his good
and sufficient performance bond in the amount of $19,470.00 to
the satisfaction of the Mayor and the Public Works Director and
approved as to form by the Director of Law, conditioned to insure
faithful performance of the contract thereby awarded and
completion of the work free and clear of all claims and
encumbrances.

Section No. 3: That the Contractor shall deposit and keep in
force and effect on file with said Director of Finance memoranda
of policies of insurance in the amounts and under the conditions
set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance
of the certificate of the Public Works Director that the work has
been completed to the full satisfaction of the Public Works
Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Engineering Department Manager to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of utilizing a NOPEC grant to install energy efficient windows to reduce costs and provide an energy efficient work environment at the City Hall, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: ________________________  President of Council

POSTED: ________________________  Approved

ATTEST: ________________________

Clerk of Council  Mayor
ORDINANCE NO. ________

AN ORDINANCE AWARDING A CONTRACT FOR THE INSTALLATION OF CROSSWALK SIGNS AT BELMAR BOULEVARD AND WALKER ROAD, AND DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake Charter, entitled Competitive Bidding, authorizes the awarding of contracts under $50,000 without public bidding; and

WHEREAS, the Public Works Director has solicited quotations for Crosswalk Signs; and

WHEREAS, Council coming now to consider said quotations has determined that the quotation submitted by Signal Services Company of Warrensville Heights, Ohio, is the best responsive quotation and is acceptable to this Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Signal Services Company of Warrensville Heights, Ohio (hereafter referred to as “Contractor”) for crosswalk signs at Belmar Boulevard and Walker Road, for the City of Avon Lake, Ohio, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $27,950.00.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $27,950.00 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the
Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Director to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of installing the crosswalk signals as soon as possible to ensure safe pedestrian crossing, thus for the public health, safety and welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: _________________________ ____________________________

President of Council

POSTED: _________________________ ____________________________

Approved

ATTEST: _________________________ ____________________________

Clerk of Council Mayor
A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the City of Avon Lake is planning to make capital improvements to the City’s infrastructure; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor is hereby authorized to apply to the OPWC for funds as described above.

Section No. 2: That the Mayor is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity of filing the application with OPWC by the deadline in order to receive a grant to provide improvements to the City’s infrastructure and provide safe driving conditions on City roads, thus for the health, safety, and welfare of the public.
Therefore, this Resolution shall go into immediate force and effect upon passage and approval by the Mayor.

PASSED: _________________________ ____________________________
      President of Council

POSTED: _________________________ ____________________________
      Approved

ATTEST: _________________________ ____________________________
      Clerk of Council         Mayor
A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake is located within the Lorain County Solid Waste Management District; and

WHEREAS, the Lorain County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Solid Waste Management Plan in accordance with Ohio Revised Code Sections 3734.53, 3734.54, and 3734.55; and

WHEREAS, the Lorain County Solid Waste Management District has provided a copy of the Adopted Final Solid Waste Management Plan for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of Avon Lake must decide whether it approves of said Solid Waste Management Plan within ninety days of receipt of the Final Draft Plan;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the City of Avon Lake approves the Lorain County Solid Waste Management District Solid Waste Management Plan.

Section No. 2: That the Clerk is hereby directed to send the District a copy of this resolution to the Lorain County Solid Waste Management District, 226 Middle Avenue, Elyria, Ohio 44035.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of adopting a solid waste management plan to ensure the health, safety, and welfare of the citizens of Avon Lake. Therefore,
this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _________________________ ____________________________
      President of Council

POSTED: _________________________ ____________________________
      Approved

ATTEST: _________________________ ____________________________
      Clerk of Council              Mayor
ORDINANCE NO. ________

AN ORDINANCE AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE VETERANS MEMORIAL PARK GAZEBO PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake Charter, entitled Competitive Bidding, authorizes the awarding of contracts under $50,000 without public bidding; and

WHEREAS, the Public Works Director has solicited quotations to construct a gazebo at Veterans Memorial Park; and

WHEREAS, Council coming now to consider said quotations has determined that the quotation submitted by Northern Hammerworks, LLC of Avon Lake, Ohio, is the best responsive quotation and is acceptable to this Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Northern Hammerworks, LLC of Avon Lake, Ohio (hereafter referred to as "Contractor") to construct a gazebo at Veterans Memorial Park, be and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of $22,300.00.

Section No. 2: That the Contractor shall furnish his good and sufficient performance bond in the amount of $22,300.00 to the satisfaction of the Mayor and approved as to form by the Director of Law, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Director of Finance memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Director of Finance of the certificate of the Public Works Director that the construction has been completed to the full satisfaction of the Public Works Director and in accordance with the plans and specifications, then the Director of Finance shall be authorized
and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Director to be due said Contractor under the contract thereby awarded to him and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and he is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to begin constructing a gazebo at Veterans Memorial Park during the summer construction season, thus for the public health, safety and welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: _________________________ President of Council

POSTED: _________________________ Approved

ATTEST: _________________________ Mayor

Clerk of Council
ORDINANCE NO. ________

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 432.30, ENTITLED STOPPING FOR SCHOOL BUS; ACTUATING VISUAL SIGNALS; DISCHARGING CHILDREN.

WHEREAS, the Safety Committee recommended amending Codified Ordinance Section 432.30, Stopping for School Bus; Actuating Visual Signals; Discharging Children; and

WHEREAS, Council coming now to consider said recommendation approves it in full;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 432.30 is hereby amended as follows:

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed. It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.
Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

Whoever violates division (a) of this section is guilty of an unclassified misdemeanor.

Whoever violates division (a) of this section may be fined an amount not to exceed seven hundred fifty dollars ($750.00) or five hundred dollars ($500.00). A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

In addition to and independent of any other penalty provided by law, the court or Mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7) and/or a sentence up to 30 days in jail. When a license is suspended under this section, the court or Mayor shall cause the offender to deliver the license to the court, and the court or Clerk of the Court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action.

As used in this section:

“Head start agency” has the same meaning as in Ohio R.C. 3301.32.

“School bus” as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings.
Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading:
2nd reading:
3rd reading:

PASSED: _________________________ ____________________________

President of Council

POSTED: _________________________ ____________________________

Approved

ATTEST: _________________________ ____________________________

Clerk of Council Mayor
ORDINANCE NO. ____________

AN ORDINANCE AMENDING ORDINANCE NO. 78-2019 TO SPECIFY THE TERMS OF THE OHIO WATER DEVELOPMENT AUTHORITY LOAN FOR CONSTRUCTION OF THE 2019 WATER LINE REPLACEMENT BUNDLE, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake (hereinafter referred to as the “LGA”) through its Board of Municipal Utilities desires to replace/extend a number of water lines in Avon Lake; and

WHEREAS, the LGA desires to obtain a loan from the Ohio Water Development Authority (hereinafter referred to as the “OWDA”) to finance costs of the planning of such facilities on the terms set forth in the Cooperative Agreement (defined below); and

WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose (the “Loan”); and

WHEREAS, Council adopted Ordinance 78-2019 authorizing the Mayor and Finance Director to execute the Cooperative Agreement, as defined in Ordinance 78-2019; and

WHEREAS, Council desires to amend Ordinance 78-2019 to specify some of the terms and conditions of the Loan;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Section No. 1 of Ordinance 78-2019 is hereby amended to read as follows:

Section No. 1: That the LGA hereby approves the construction of the aforesaid project in cooperation with the OWDA under the provisions, terms and conditions set forth in the “Cooperative Agreement for Construction, Maintenance, and Operation of State Water Project or Wastewater Project” as set forth in Exhibit A (the “Cooperative Agreement”) and hereby authorizes the Mayor and the Finance Director of the LGA to execute the Cooperative Agreement with the OWDA substantially in the form set forth in Exhibit A for a loan on the following terms:

Maximum Original Loan Amount: not to exceed $2,700,000.00

Contract Period of Years: Not less than 18 and not more than 22

Section No. 2: That as hereby amended, Ordinance 78-2019 shall remain in full force and effect.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution/ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
Section No. 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of Avon Lake for the reason that the immediate construction of the water lines at the earliest possible time is necessary in order to protect the health of the inhabitants of the LGA by reducing chances for water line breakage, which could affect public health and the economy; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed:  

President of Council

Posted:  

Approved

Attest:  

Clerk of Council  

Mayor
ORDINANCE NO. ________

AN ORDINANCE APPROVING THE PRELIMINARY PLAN
FOR LEAR ROAD HOLDINGS, AND DECLARING AN
EMERGENCY.

WHEREAS, a Preliminary Plan for Lear Road Holdings has been
submitted to the Planning Commission at its regular meeting of
July 2, 2019 and has been recommended to Council for approval,
now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: In accordance with Section 1216 of the
Codified Ordinance, the Planning Commission has reviewed the
proposal set forth in the Preliminary Plan for the construction
of three attached multi-family units on the southwest corner of
Lear Road and Walker Road.

Section No. 2: Council coming now to consider said
Preliminary Plan for Lear Road Holdings hereby approves it in
full.

Section No. 3: That it is found and determined that all
formal actions of this Council concerning and relating to the
adoption of this Ordinance were adopted in an open meeting of
this Council and that all deliberations of this Council and any
of its committees which resulted in such formal actions, were in
meetings open to the public, in compliance with all legal
requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be
an emergency measure, the emergency being the necessity of
approving the Preliminary Plan to move the project forward and
help further the economic stability of Avon Lake and offer
alternate housing in Avon Lake, thus for the public welfare.
Therefore, this Ordinance shall be in full force and effect from
and immediately after its passage and approval by the Mayor.

PASSED: _________________________ President of Council

POSTED: _________________________ Approved

ATTEST: _________________________ Mayor

Clerk of Council
ORDINANCE NO. ________

AN ORDINANCE TO APPROVE THE FINAL PLAT FOR CHANDON SUBDIVISION NO. 3, AND DECLARING AN EMERGENCY.

WHEREAS, there has been submitted to and approved by Planning Commission on July 2, 2019 the final plat for Chandon Subdivision No. 3; and

WHEREAS, the final plat of Chandon Subdivision No. 3 has now been submitted to this Council for its consideration and approval; and

WHEREAS, as provided in Codified Ordinance Section 1216.08, Council has examined said plat and has been advised by the Public Works Director and Planning Commission that it complies with the subdivision requirements of this Municipality and the preliminary plans theretofore approved by Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the final plat for Chandon Subdivision No. 3, consisting of 11 cluster homes on the north side of Krebs Road, west of Hunt Club Way, and west of Del Lane within an R-1 Residential be and the same is hereby approved.

Section No. 2: That the Clerk of Council is authorized to sign the plat accordingly.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to allow for the timely recording of the final plat in order to move forward with the project and to prevent unnecessary delay in the mortgage closings of homes, and further to permit the City to begin collecting property taxes as soon as possible, thus for the public health, safety, and
welfare. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _________________________ ____________________________

President of Council

POSTED: _________________________ ____________________________

Approved

ATTEST: _________________________ ____________________________

Clerk of Council Mayor
ORDINANCE NO. ________

AN ORDINANCE REPEALING CURRENT CHAPTER 856 OF THE CODIFIED ORDINANCES AND ENACTING NEW CHAPTER 856 OF THE CODIFIED ORDINANCES TO REPLACE THE PROCEDURE FOR THE ISSUANCE OF PERMITS FOR MOBILE FOOD VEHICLES TO OPERATE AT SPECIAL EVENTS OR PRIVATE PARTIES WITH A PROCEDURE FOR THE ISSUANCE OF ANNUAL PERMITS; AMENDING THE FEE SCHEDULE FOR THE ISSUANCE OF PERMITS FOR MOBILE FOOD VEHICLES; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 856 of the Codified Ordinances provides for the issuance of permits for the operation of mobile food vehicles only at special events or private parties; and

WHEREAS, Council deems it in the interest of the City to allow mobile food vehicles to operate at other times pursuant to an annual permit;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That current Chapter 856 Regulation of Mobile Food Vehicles, a copy of which is attached as Attachment 1 hereto, is hereby repealed.

Section No. 2: That there is hereby enacted new Chapter 856 Regulation of Mobile Food Vehicles, attached as Attachment 2 hereto.

Section No. 3: That Section 208.01(d)(6) of the General Fee Schedule, which reads as follows:

(6) Food Truck License

A. Single event  25.00

B. Annually  60.00

is deleted and replaced by the following:

(6) Annual Mobile Food Vehicle Permit

A. For one mobile food vehicle  25.00

B. For each additional mobile
Section No. 4: That any complete application that has been submitted for a mobile food vehicle permit prior to the effective date of this Ordinance, shall be processed and the permit issued in accordance with the provisions of Chapter 856 and Section 208.01(d)(6) that were in effect on the date the application was submitted. A mobile food vehicle permit issued pursuant to the provisions of Chapter 856 that were in effect prior to the effective date of this Ordinance shall remain valid in accordance with its terms and subject to the provisions of Chapter 856 in effect on the date of issuance.

Section No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 6: That this Ordinance is hereby declared to be an emergency measure, the emergency being the need to ensure that mobile food vehicles are operated in accordance with health and safety regulations, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _________________________  ____________________________  
President of Council

POSTED: _________________________  ____________________________  
Approved

ATTEST: _________________________  ____________________________  
Clerk of Council    Mayor
CHAPTER 856
Regulation of Mobile Food Vehicles

856.01 PURPOSE.

The purpose of this chapter is to protect the health, safety and welfare of the public by requiring permits for mobile food vehicles and to establish minimum requirements for the operation of such vehicles related to their location, hours of operation, sanitation, and cleanliness.

856.02 DEFINITIONS.

When used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

(a) “Food establishment” shall mean a business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

(b) “Mayor” shall mean the Mayor of the City of Avon Lake.

(c) ”Mobile food vehicle” shall mean a food establishment that consists of or is located in or upon a vehicle, including cars, trucks, motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service. This definition includes but is not limited to mobile food kitchens, pushcarts, bicycle carts, mobile food trucks, canteen trucks, and coffee trucks. This definition does not include “meals on wheels” program vehicles, food home delivery services, or a vehicle operated by a peddler pursuant to a current license issued under Section 840.11.

(d) “Permit” shall mean a mobile food vehicle permit issued pursuant to this chapter.

(e) “Private party” shall mean a social gathering not open to the public on private property or on public property reserved for such gathering.

(f) “Special event” shall mean any outdoor activity or series of outdoor activities of the type described in Section 1250.04(u) or 1260.07 of the Codified Ordinances.

856.03 MOBILE FOOD VEHICLE PERMIT REQUIRED.

No person or entity, including a religious or charitable organization, shall conduct business or dispense food or beverages from a mobile food vehicle unless a permit for such vehicle is in effect.

856.04 VALIDITY OF PERMIT.

A permit issued pursuant to this chapter shall be valid from the date of issuance and shall expire at 11:59 p.m. on December 31 of the year in which the permit is issued.
APPLICATION FOR A MOBILE FOOD VEHICLE PERMIT.

(a) Application. An application for a permit shall be made available by the Mayor.

(b) Information Required. Each completed application must include or be accompanied by the following:

(1) The name of the business and its owner or owners, the mailing address of the business, and mobile telephone number of the operator.

(2) The types of food and beverages to be dispensed from the vehicle.

(3) A description of the vehicle and the vehicle identification number.

(4) Certification that the mobile food vehicle has passed all necessary inspections required by the County Health Department with jurisdiction over such mobile food vehicle.

(5) A certificate of insurance evidencing commercial general liability coverage in the minimum amount of one million dollars ($1,000,000.00) in the aggregate in a form acceptable to the City.

(c) Approval Process: Appeals. The completed application must be submitted to the Mayor. Within thirty days of the submission of a completed application, the Mayor shall either issue or deny the application for a permit. If the application is denied in whole or in part, the Mayor shall state the reasons for the denial. Any applicant who has been denied a permit may appeal such denial by submitting a written notice of appeal to the Zoning Administrator not later than ten days of the date of the denial. The appeal shall be heard by the Zoning Board of Appeals within thirty days of receipt of said appeal upon procedures established by the Zoning Board of Appeals. The decision of the Zoning Board of Appeals may be appealed by either the applicant or the City to the Lorain County Common Pleas Court in accordance with Chapter 2506 of the Ohio Revised Code.

PERMIT FEES.

The fee for a permit shall be as set forth in Chapter 208 of the Administration Code - the General Fee Schedule.

PERMIT NOT TRANSFERRABLE.

A permit issued pursuant to this chapter shall not be transferable, and any attempt to assign, sell, lend, lease or in any manner transfer such permit shall be void.

OPERATION OF MOBILE FOOD VEHICLES.

(a) The issuance of a permit does not grant or entitle the exclusive use of a location to the permit holder.
(b) No mobile food vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters, except at a private party or special event.

(c) Permit holders shall provide customers with single service articles, such as plastic silverware and paper plates. All mobile food vehicles shall offer a waste container for customer use that the operator shall empty at his or her own expense if not provided by the organizer or sponsor of a special event or private party.

(d) No mobile food vehicle shall make or cause to be made noise in violation of any section of the Codified Ordinances.

(e) The permit holder shall notify the City Fire Department in writing at least one week in advance of all times and locations within the City at which food or beverages will be dispensed from the permit holder’s mobile food vehicle.

(f) Except for operation at a private party or special event at which mobile food vehicles are permitted, a mobile food vehicle may dispense food only in an O-1, B-1, B-2, B-3, L-1 or I Zoning District.

(g) Except for operation at a private party or special event at which mobile food vehicles are permitted, no mobile food vehicle shall dispense food on the same street on more than one (1) day in any seven-day period.

(h) Except for operation at a private party or special event at which mobile food vehicles are permitted, no mobile food vehicle shall dispense food at the same location for more than two hours in any twenty-four hour period.

(i) Mobile food vehicles must adhere to all applicable parking regulations for commercial vehicles.

(j) A mobile food vehicle must be licensed by the health district in which the home base or business headquarters is located. Such license must be maintained on site for validation. Mobile food vehicles must comply with all applicable governmental rules and regulations, including but not limited to those of the Lorain County General Health District and the State of Ohio.

(k) No mobile food vehicle may be parked on the street overnight, or left unattended and unsecured at any time food is kept in the mobile food vehicle.

(l) The permit and all other current licenses, permits and certificates issued for the mobile food vehicle must be prominently displayed when business is being conducted from the mobile food vehicle.

(m) Prior to operating within the City pursuant to a permit, a mobile food vehicle must be inspected by the City Fire Department to ensure compliance with all applicable Federal, State and local fire safety and health statutes, regulations, ordinances and codes. No mobile food
vehicle shall operate within the City unless it has been inspected and approved for operation by the City Fire Department.

(n) The permit holder shall permit the City Fire Department to inspect the mobile food vehicle as often as the Fire Chief may deem necessary to ensure that the mobile food vehicle is in compliance with all applicable Federal, State and local fire safety and health statutes, regulations, ordinances and codes.

**856.09 ENFORCEMENT.**

(a) Enforcement. The provisions of this chapter may be enforced by the Mayor, the Avon Lake Police Department, or the Avon Lake Fire Department.

(b) Revocation, Suspension, Modification. In addition to any other penalties specified in Section 856.99, once a permit has been issued it may be revoked or suspended, for failure to comply with the provisions of this chapter. Anyone holding a permit that has been revoked or suspended may, within ten days of notice of the same, appeal as is provided in Section 856.05 (c) above. The Mayor may suspend a permit for no more than three days without notice or hearing, if the Mayor notifies the permit holder in writing (email is deemed an acceptable writing) that there is a probability of a violation of public safety, health or order. In such a case, anyone holding a permit that has been suspended may request a hearing within seventy-two hours of notice of the suspension in order to determine whether the suspension is justified.

**856.10 SEVERABILITY.**

If any provision of this chapter is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**856.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be subject to the penalty provided in Section 698.02. A separate offense shall be deemed committed each day during which or on which a violation or noncompliance occurs or continues.