

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD SEPTEMBER 9, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on September 9, 2013 at 7:45 P.M. immediately following the Collective Committee meeting in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council President Marty O'Donnell; Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Engineering Department Manager Joseph Reitz; Finance Director Nancy Bryan; and Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the August 26, 2013 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

The dedication ceremony of the memorial marker for the two unknown seamen buried at Lake Shore cemetery was held on September 7, 2013.

The Mayor received a print of *The Battle of Lake Erie* by William Henry Powell donated to the City by Congresswoman Marcy Kaptur. The print will be displayed at City Hall for one month and then will be hung in the Lake House.

Approximately 1000 deer surveys were received. About 50 surveys did not include an address and, therefore, will not be counted. The full results will be available this week and the data will be discussed with Ohio Department of Wildlife representative Geoff Westerfield, Police Chief Owad, and Lt. Bulger.

The Lorain County consortium bids for trash collection were due September 6<sup>th</sup>. Two bids were received. The Mayor, Contract Administrator Joe Reitz, and Council President O'Donnell will meet with members of the consortium on September 10<sup>th</sup> to review and evaluate the bids.

The refurbishment of the Fire Department ladder truck will not be ready by September 12<sup>th</sup> as per the contract. The firm needs an additional month to finish the work. The City is working with the company to reach a fair resolution for the delay.

The Police Academy began a new session on September 3<sup>rd</sup>.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for September 16, 2013. The next Council meeting is scheduled for September 23<sup>rd</sup>.

September 30<sup>th</sup> is the fifth Monday of the month and no Council meeting is scheduled. Council will hold a budget meeting on that date at 6:30 P.M. at the Lake House. This is the first step in the 2014 budgetary process.

## **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

The Engineering/Service Director delivered the grant application to the County for the Lear Road/Krebs Road intersection project. The project will be reviewed by the County and the State of Ohio. Grant funds will be awarded in July 2014. The project includes a traffic light at the intersection, turn lanes, and railroad crossing improvements. The project estimate is \$1 million. The City applied for a \$400,000 grant from Ohio Public Works; the remainder would come from the City's general fund and will be included in the Engineering Department's 2014 budget proposal. The opening of the I-90 interchange at Lear Road has warranted installation of a traffic light according to the Ohio Department of Transportation guidelines.

## **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

## **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee is scheduled to meet September 11, 2013 at 7:00 P.M. in the Council Conference Room.

## **PUBLIC SERVICE COMMITTEE REPORT**

The Public Service Committee is scheduled to meet September 23, 2013 at 6:00 P.M. in the Engineering Conference Room.

## **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported on the September 5, 2013 Public Utilities Committee meeting.

Residents should report any power outage or surge, no matter how small, to First Energy at 888-LIGHTSS or 800-544-4877.

## **SAFETY COMMITTEE REPORT**

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The Safety Committee is scheduled to meet September 18, 2013 at 6:15 P.M. in the Council Conference Room.

### **SEWER COMMITTEE REPORT**

The Sewer Committee is scheduled to meet September 12, 2013 at 6:30 P.M. in the Engineering Conference Room.

### **ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the results of the August 29, 2013 meeting of the Zoning Board of Appeals.

### **MOTIONS**

Mr. James moved to authorize a contract with Maintenance Systems of Elyria, Ohio for pavement sealing and re-striping at the Safety Center and Fire Department in the amount of \$11,267.00. This contract was recommended by the Engineering/Service Director.

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

No: None

Motion carried.

### **LEGISLATION**

#### First Readings:

Temporary Legislation #10208, AN ORDINANCE PROVIDING FOR A TRANSFER OF FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10208. The Finance Director determined a transfer of funds is necessary for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 116-2013 adopted.**

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Temporary Legislation #10209, AN ORDINANCE AWARDDING A CONTRACT FOR THE PURCHASE OF COMPREHENSIVE INSURANCE COVERAGE FOR THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10209. The Finance Committee reviewed the proposals for comprehensive insurance for the City and recommended the bid by Houston Casualty Company for a three year policy. Three appropriate bids were received.

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

No: None

Motion carried.

**Ordinance No. 117-2013 adopted.**

Temporary Legislation #10210, AN ORDINANCE AWARDDING A CONTRACT FOR WINDOW REPLACEMENTS AT THE SAFETY CENTER, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10210. The windows at the Safety Center were originally installed incorrectly. As a result of a lengthy lawsuit, the City received a settlement to replace the windows. The Engineering/Service Director recommends the bid of Lakeland Glass in the amount of \$172,539.

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

No: None

Motion carried.

**Ordinance 118-2013 adopted.**

Temporary Legislation #10211, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH HZW ENVIRONMENTAL CONSULTANTS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. James moved for passage of Temporary Legislation #10211. HzW Environmental Consultants requested a change order for additional wells at the closed landfill. The wells are necessary to further define the limits of groundwater flow based on water sampling results. The change order amount is \$10,000.

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

**Ordinance No. 119-2013 adopted.**

Temporary Legislation #10212, AN ORDINANCE TO VACATE AN EASEMENT WITHIN CORONADO COVE SUBDIVISION No. 1, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Temporary Legislation #10212. Property owners at 686 Coronado Circle requested the City to vacate a 162 square foot portion of an easement on their property to build a pergola shade covering over the existing patio to accommodate a handicapped individual. This will not have any impact on EPA regulations. Vacation of the easement was recommended by Planning Commission and the Public Service Committee.

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

**Ordinance No. 120-2013 adopted.**

Temporary Legislation #10213, AN ORDINANCE APPROVING THE RECONSOLIDATION PLAT FOR 120 AND 122 FOREST HILL DRIVE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

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Mrs. Fenderbosch moved for passage of Temporary Legislation #10213. Property owners requested a lot split and reconsolidation of a landlocked parcel behind Forest Hill Drive. The plat will eliminate the landlocked parcel and combine it with two existing parcels resulting in deeper lots for the two properties. Emergency passage was requested due to a pending sale of one of the properties.

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

No: None

Motion carried.

**Ordinance No. 121-2013 adopted.**

Temporary Legislation # 10214, AN ORDINANCE APPROVING A SITE PLAN FOR AN EXISTING CONDITIONAL USE AT BUSCH FUNERAL HOME, AND DECLARING, was read by title only.

Busch Funeral Home requested approval of a site plan for a 2500 square foot addition. The project will eliminate a portion of the off street parking along Electric Boulevard while expanding the existing parking lot. A six foot high living fence will be constructed of non-deciduous plants. Parking lot lighting will be changed to LED lighting.

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The Folger Home historic landmark designation ceremony will take place on September 28, 2013.

September 11<sup>th</sup> is designated as Patriots Day in memory of the events of 9/11. Flags may be flown at half-staff. Anyone wishing to receive e-mail notification of "Fly the Flag" alerts contact John Shondel at [osujohn@mac.com](mailto:osujohn@mac.com) or by calling him at 440-930-6838.

The Avon-on-the-Lake Garden Club in cooperation with the City of Avon Lake will hold a Blue Star Memorial dedication plaque ceremony on September 22, 2013 at Veterans Memorial Park. The Blue Star Memorial Program honors service men and women.

### **ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:40 P.M.

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

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