

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 18, 2011**

The rescheduled regular meeting of the Avon Lake Municipal Council was called to order on April 18, 2011 at 7:55 P.M. following the Collective Committee Meeting in the Council Chamber with Council President Zilka presiding.

Mr. Bucci led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Engineering Department Manager Joseph Reitz, Finance Director Nancy Bryan, Clerk of Council Barbara Dopp.

Absent: Mr. Meiners

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

APPROVAL OF MINUTES

The minutes of the April 4, 2011 Special Council Meeting were approved as prepared and published.

PUBLIC HEARING

A Public Hearing upon amendments to Planning & Zoning Code Section 1240.06, entitled Accessory Use Regulations, was called to order at 7:57 P.M.

The amendments to Planning & Zoning Code Section 1240.06 are relative to fencing. The definition of a fence will include trellises and vertical supports. The amendments also address fence height, setback, orientation, and the required visibility at street intersections. Temporary fencing includes snow fencing, construction fencing, wildlife fencing, and defines exceptions to the Code.

The amendments to Section 1240.06 were proposed as a result of the following violations by residents: mounding of soil increasing the height of a fence; installation of trellises creating a partial enclosure of a space; installation of fences in front yards higher than what is permitted in the current Code; improper orientation of fences regarding neighboring properties; hampering visibility at street intersections; interference with storm water drain off; snow fencing remaining in place all year; incorrect fencing at construction sites; and wildlife fencing made of non approved material.

Audience Participation

The following individuals addressed Council regarding the side yard locations of their gardens and permanent fences to guard against deer. They asked Council to reconsider the language regarding wildlife fences to permit them in side yards.

John Ballerini, 32306 Gable Lane, Avon Lake
Laura Frantz, 32790 Briarwood Court, Avon Lake

Mrs. Fenderbosch pointed out that there are plants that are harvested throughout the year and require year round fencing to protect against wildlife. Residents who have established gardens have objected to the 200 square feet or less limit for an enclosed garden.

Mrs. Fenderbosch explained that a majority of existing garden fences are in violation of the Code and have not gone through the approval process, and therefore, could not be grandfathered since they have never been approved.

Mr. Kos stated that he is concerned with tightening restrictions on wildlife fences when the City does not have a plan to address the deer nuisance issue.

Mr. Rush suggested that the section of the ordinance dealing with wildlife fencing be removed until the issue is discussed further.

Law Director Kerner stated that, according to the Code, Council can approve the recommendation of Planning Commission, approve it with minor modifications, or deny the recommendation. He stated that removing an entire section would be considered a major modification and would not be appropriate.

Mrs. Fenderbosch stated that Council could deny the entire recommendation and send it back to Planning Commission for further review and recommendations.

Mayor Zuber recommended that Council have a joint meeting with Planning Commission to explain their reasons for denying Planning Commission's recommendation regarding wildlife fences.

The Public Hearing was closed at 8:19 P.M.

CORRESPONDENCE

Mr. Rush received a letter from Tom Curry, President of Stewcur Enterprises LLC, thanking Mr. Zilka for his participation in discussion of Planning Commission Case No. 06-11, regarding property located at 153 Lear Road owned by Liptak Construction. Mr. Curry is planning to move his establishment to that location.

Mr. Zilka received a letter from Community Resource Services thanking Council for approving the donation from the City.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

Mayor Zuber and Fire Chief Morris attended the Fairview Hospital Advisory Board meeting on April 12, 2011.

On April 13, 2011, Mayor Zuber attended the Lorain Chamber of Commerce meeting and the North Coast Regional Chamber of Commerce meeting.

Breakfast with the Easter Bunny was held at the American Legion Post on April 16, 2011.

Income tax collections are up by \$500,000 over last year's collections. There is a \$450,000 increase in property tax collections.

For the first quarter, the Fire Department call volume was up 17% over last year's volume for the same time period.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for May 2nd. The next Regular Council Meeting is scheduled for May 9th. In observance of Easter Monday, no Council meeting is scheduled for April 25th.

The Lorain County Sheriff's Office is conducting a prescription turn in program throughout Lorain County. Residents can drop off unwanted medications at the Avon Lake Police Department on April 30th from 9:00 A.M. to 3:00 P.M. All labels should be removed.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

FINANCE COMMITTEE REPORT

A Finance Committee meeting is scheduled for May 16, 2011 at 6:00 P.M.

PUBLIC SERVICE COMMITTEE REPORT

A Public Service Committee meeting is scheduled for May 4, 2011 at 7:00 P.M. The following items will be discussed: the 2011 street program; monument style mailboxes;

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cell tower regulations; and baseball field maintenance. Mr. Kos asked that Bonnieview Drive be included in the street repair program. Mr. Rush asked that Fredericksberg also be included. Mrs. Fenderbosch stated that streets from all four wards will be added to the street repair program.

PUBLIC UTILITIES COMMITTEE REPORT

A Public Utilities Committee meeting is scheduled for May 16, 2011 at 6:30 P.M. to discuss the future of the Avon Lake post office.

SAFETY COMMITTEE MEETING

Mr. Rush announced that Emergency Services Consulting International has completed its study and copies will be distributed to Council, the Mayor, Law Director, and Fire Chief.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee is scheduled to meet April 21, 2011 at 6:00 P.M. in the Council Conference Room.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet April 20, 2011 at the Lake House.

Arbor Day will be celebrated May 1st at the municipal pool at 11:00 A.M.

HISTORIC PRESERVATION COMMISSION REPORT

The Historic Preservation Commission is scheduled to meet April 26, 2011 at 7:00 P.M. at the Avon Lake Public Library.

CABLE ADVISORY COMMISSION REPORT

The Cable Advisory Commission is scheduled to meet April 21, 2011 at 7:15 P.M. at the Avon Lake Public Library. The Commission will discuss the implementation of the Avon Lake Facebook page.

WALKER ROAD AD HOC COMMITTEE

The Walker Road Park Ad Hoc Committee is scheduled to meet April 20, 2011 at 6:30 P.M. at Bay Village City Hall to discuss a proposal for a cell tower at Walker Road Park.

MOTIONS

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Mr. O'Donnell moved to add a motion to the agenda to advertise for bids for the street striping program.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to add a motion to the agenda to reject the bid for the purchase of pipe and materials for the Service Department.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to add a motion to the agenda to advertise for bids for the purchase of pipe and materials for the Service Department.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the 2011 street striping program. Street striping is done annually for traffic safety purposes.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to reject the bid of HG Supply Waterworks for the purchase of pipe and materials for the Service Department. There were inconsistencies in the bid process and the sole bid received was incomplete.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the purchase of pipe and material for the Service Department. The material will be used for the stormwater drainage project on Krebs Road.

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Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

LEGISLATION

Mr. Zilka moved to add Temporary Legislation #9814 to the agenda.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Second Readings:

Temporary Legislation #9792, AN ORDINANCE AMENDING SECTION 1240.06 OF THE PLANNING & ZONING CODE, ENTITLED ACCESSORY USE REGULATIONS, was read by title only.

The Zoning Administrator and Planning Commission recommended changes to Planning & Zoning Code Section 1240.06 regarding fences. The definition of a fence will be amended to include trellises and other structures placed to accomplish fencing or division of premises for confinement, screening, partitioning, or decoration. Revisions clarify height, setbacks, orientation, required visibility at street intersections, nuisances, and temporary fencing. The required Public Hearing was held earlier in the meeting.

Mr. Rush requested Council to reject the recommendation of Planning Commission and refer it back to Planning Commission for further review of fences around gardens.

Temporary Legislation #9805, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF BILLER-BOOKKEEPER I IN THE MUNICIPAL UTILITIES DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 29-91, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9805. This and the following two revised job descriptions will more accurately reflect the duties associated with the positions and were approved and recommended by the Municipal Utilities Board. The

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Human Resources Committee met with representatives of the Utilities Department and approved the revised job descriptions.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Ordinance No. 36-2011 adopted.

Temporary Legislation #9806, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CASHIER BOOKKEEPER IN THE MUNICIPAL UTILITIES DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 28-91, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9806

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Ordinance No. 37-2011 adopted.

Temporary Legislation #9807, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LABORATORY ANALYST IN THE MUNICIPAL UTILITIES DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 214-95, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9807

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

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No: None

Absent: Meiners

Motion carried.

Ordinance No. 38-2011 adopted.

First Readings:

Temporary Legislation #9811, AN ORDINANCE AUTHORIZING THE PURCHASE OF A HEAVY DUTY TRUCK LIFT FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Service Director recommended the purchase of a heavy duty truck lift through the State Purchasing Program. Heavy Lift Systems submitted the low quote of \$34,068. Since the equipment became inoperable after the budget was approved, the funding for this purchase will come from various line items in the Service Department budget.

Temporary Legislation #9812, A RESOLUTION IN SUPPORT OF HOUSE RESOLUTION NO. 25, CONFIRMING THE VALUE AND IMPORTANCE OF THE MORTGAGE INTEREST DEDUCTION, AND DECLARING AN EMERGENCY, was read by title only.

The United States House and Senate committees are currently holding hearings regarding different perspectives on crafting a new tax system. Mrs. Fenderbosch stated that changes in the mortgage interest deduction would have an adverse effect on the entire housing market, potentially lowering home values and slowing sales. Each change in the mortgage interest deduction opens the door for full elimination and could have a broad effect on local economies and jobs. Mr. Bucci urged Council members to read House Resolution No. 25 before making a decision on this issue.

Temporary Legislation #9813, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 240.03, ENTITLED MUNICIPAL ANIMAL WARDEN, was read by title only.

The Police Chief recommended certain changes in the Animal Warden ordinance to simplify the language and bring it up to date with the duties of the Animal Warden. The amendment will also allow the Police Chief more flexibility.

Temporary Legislation #9814, AN ORDINANCE PROVIDING FOR TRANSFERS OF FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9814. The Finance Director determined that the following transfers are appropriate: \$7,050 from the Water Fund to the Water MOR Sub Fund; \$119,958 from the General Fund with \$34,958 to the Office on Ageing Fund, \$10,000 to the Dial-A-Bus Fund, and \$75,000 to the Cable TV Government Access Fund.

Yes: Bucci, Fenderbosch, Kos, O'Donnell, Rush, Zilka

No: None

Absent: Meiners

Motion carried.

Ordinance No. 39-2011 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch attended the small business seminar conducted by members of the Economic Development Advisory Board; the topic was the use of social media to benefit cities and businesses. Future seminars will be held at the Avon Lake Public Library.

PUBLIC INPUT

John Shondel, 410 Greenbriar Drive, Avon Lake, addressed Council on control of the deer population in Avon Lake.

ADJOURNMENT

Mr. O'Donnell moved for adjournment.

Yes: Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell, Rush

No: None

Absent: Meiners

Motion carried.

Adjournment: 8:50 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council