

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD APRIL 8, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on April 8, 2013 at 7:55 P.M. following the Rescheduled Collective Committee Meeting in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Rob James, David Kos, Larry Meiners, Martin O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, and Clerk of Council Barbara Dopp.

There being no objections, Mrs. Fenderbosch and Mr. Reitz were excused from attendance at the meeting.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

Sand dredging at the boat launch has begun. It is estimated that the process will be completed by April 10<sup>th</sup> or 11<sup>th</sup>. Hurricane Sandy blew in more sand than was anticipated. The pre-dredging calculations of 6,177 cubic yards of sand were done by Bramhall Engineering. Interested boaters should check the Avon Lake website for updates on the opening of the boat launch.

The Mayor, Police Chief Owad, and Lt. Bulger will meet with Ohio Department of Natural Resources representative, Jeff Westerfield on April 10<sup>th</sup> to discuss the deer count which took place in March and the developing strategy to deal with deer management. The Mayor will submit a report to the Environmental Committee which is scheduled to meet on April 10<sup>th</sup>. The deer report will be submitted to Council at the April 15<sup>th</sup> Collective Committee Meeting.

Dr. Knapp of the Cleveland Clinic updated the Mayor on the helicopter logs kept by the Clinic facility in Avon. Avon Planning Commission agreed to a prescribed flight plan over the I-90 corridor. Out of 31 flight episodes in the month of February between 7:00 P.M. and 7:00 A.M., four were out of the prescribed flight path due to weather conditions. According to Dr. Knapp, there were no deviations from the flight path in the month of March. St. Vincent medical facility has a helicopter very similar to that of the Clinic, but Dr. Knapp had no information on their flight activity. Dr. Knapp assured the Mayor that the Clinic will continue to monitor its helicopter activity.

The Mayor met with representatives from the Landmark Preservation Society to discuss the Folger Home lease. City Council recently extended the lease by six

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months to allow for development of a new agreement that will benefit the organization and the City of Avon Lake.

Sixty businesses have signed up for the Business Expo to be held at Hinckley Lighting on April 18<sup>th</sup> from 2:00 P.M. – 7:00 P.M.

Mayor Zilka referred to some historical documents in the Clerk of Council's office. He distributed copies of a letter from 1930 to members of the media sent by the Village Clerk to Ford Motor Company showing early efforts of economic development. Mayor Zilka also referred to documents showing assistance the City gave to residents during the Great Depression. Documents also showed that the Village Clerk handled the finances of the schools.

### **COUNCIL PRESIDENT'S REPORT**

A Collective Committee is scheduled for April 15, 2013 and the next regular Council meeting is scheduled for April 22<sup>nd</sup>.

### **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel announced an Environmental Committee meeting is scheduled for April 10, 2013 at 7:00 P.M. in the Council Conference Room. The agenda includes an update of the deer management program, the City trash contract, and items from the Environmental Affairs Advisory Board meeting.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the April 8, 2013 Human Resources Committee meeting: revisions to the Civil Service Rules; the proposed Municipal Utilities union agreement; the proposed salary for the position of Interim Engineer/Service Director; and the uniform allowance for the Police Chief.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported that the following items were discussed at the April 8, 2013 Public Service Committee meeting: the zero turn mower purchase; the 2013-2014 road salt purchase agreement; and the Avon Lake trash contract.

The next Public Service Committee meeting is scheduled for April 22, 2013 at 6:00 P.M. in the Engineering Conference Room.

The Tree Commission is scheduled to meet April 17, 2013 at 7:00 P.M. at the Old Firehouse Community Center.

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The Parks & Recreation Commission is scheduled to meet April 24, 2013 at 7:00 P.M. at the Lake House. The Commission will discuss the Belle Road Park restroom proposal.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported on the April 4, 2013 Public Utilities Committee meeting.

There is a link on the Service Department webpage to the First Energy webpages dealing specifically with street light problems.

There is also a link on the City's home page for First Energy power outages.

### **SAFETY COMMITTEE REPORT**

Mr. Kos announced a Safety Committee meeting is scheduled for April 17, 2013 at 6:15 P.M. in the Council Conference Room.

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

Mayor Zilka reported on the results of the March 27, 2013 meeting of the Zoning Board of Appeals.

### **MOTIONS**

Mr. O'Donnell moved to add a motion to the agenda permitting Mr. Meiners to abstain from voting on the motion relative to a liquor license transfer for Giant Eagle.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved to authorize the purchase of a zero turn mower for the Service Department from Baker Vehicle Systems in the amount of \$13,823.00. The Service Department reviewed other options and determined this mower is the best piece of equipment for the City's uses.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to permit Mr. Meiners to abstain from voting on the motion regarding a liquor license transfer and agency for Giant Eagle. Mr. Meiners' company does considerable business with Giant Eagle and the Law Director advised Mr. Meiners to abstain from voting on the issue due to a potential conflict of interest.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the forms to the Division of Liquor Control in the matter of an agency and liquor license transfer for Giant Eagle. The agency and transfer would permit Giant Eagle to hold wine and beer tasting events, and food pairings at their store on Walker Road. The Police Chief has no objections to the transfer and agency. This is considered as an economic development tool.

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

No: None

Abstention: Meiners

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to accept the safety recommendations of the Fire Department for City Hall. Mr. Kos read the following recommendations, some of which have already been accomplished:

1. Place tornado shelter signs in the building. This has already been accomplished
2. Place evacuation maps in the building.
3. Add three emergency lights and one exit light/emergency light combination in areas throughout the building where needed.
4. In conjunction with the Avon Lake police, conduct employee training sessions to include fire and tornado drills.
5. Identify employees to act as floor attendants in case of an emergency. These would be the safety leaders on each floor/department.
6. Determine a meeting point following building evacuation.
7. Meet with Council to review evacuation procedures during meetings where the public is present.
8. Review procedures annually and hold fire drills at least quarterly.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved to authorize the Mayor to sign an agreement with the City of Avon and the Village of Sheffield to share in the purchase, maintenance, and operation of a prisoner transportation van. The van will be used to transport prisoners to and from the Avon Lake Municipal Court, which is used by the three communities.

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

No: None

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Absent: Fenderbosch

Motion carried.

Mr. James moved to confirm the Mayor's appointment of Matthew Collier to the Citizens Tree Commission for a term expiring December 31, 2014. Mayor Zilka reviewed Mr. Collier's resume and qualifications.

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

No: None

Absent: Fenderbosch

Motion carried.

## **LEGISLATION**

### Third Readings:

Temporary Legislation #10120, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (f) (14), ENTITLED POOL FEES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10120. The Parks & Recreation Commission recommended increasing daily admission pool fees by \$1.00 after comparing the fees of comparable pools in the area. The fee increase will not apply to residents under the age of two or over the age of 60.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 34-2013 adopted.**

Temporary Legislation #10122, AN ORDINANCE ADOPTING THE REVISED RULES OF THE CIVIL SERVICE COMMISSION OF THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10122. The Human Resources Committee reviewed and recommended the Civil Service Rules as revised by the Civil Service Commission.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 35-2013 adopted.**

### Second Readings:

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Temporary Legislation #10129, AN ORDINANCE AWARDED A CONTRACT FOR CITY HALL ELEVATOR IMPROVEMENTS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved for passage of Temporary Legislation #10129. Otis Elevator Company submitted the low bid of \$51,036.70 for upgrades and repair to the City Hall elevator. The elevator will be brought up to modern specifications and comply with ADA regulations. The administration hopes to have the elevator repaired during Council break to cause the least inconvenience to residents who wish to attend public meetings.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 36-2013 adopted.**

Temporary Legislation #10130, AN ORDINANCE AUTHORIZING THE PURCHASE OF A JOHN DEERE MOWER FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved for passage of Temporary Legislation #10130. The Engineering/Service Director recommended purchasing the mower from Polen Implement through the State Purchasing Program. The amount is \$23,645.94.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 37-2013 adopted.**

First Readings:

Temporary Legislation #10131, AN ORDINANCE AUTHORIZING THE PURCHASE OF A PASSENGER VAN FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10131. The Police Chief recommended the purchase of a passenger van from Kowalski Ford in the amount of \$23,368.68. The van will be used for transportation of prisoners to and from the Municipal Court. The cost and maintenance of the vehicle will be shared by the City of Avon Lake, the City of Avon, and Sheffield Village.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 38-2013 adopted.**

Temporary Legislation #10132, AN ORDINANCE AUTHORIZING THE PURCHASE OF A PICK-UP TRUCK FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #10132. The Police Chief and Safety Committee recommended the purchase of a pick-up truck from Kowalski Ford in the amount of \$23,749.68. The Police Department uses a pick-up truck for many purposes, and the current truck is no longer safe for use.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 39-2013 adopted.**

Temporary Legislation #10133, A RESOLUTION APPROVING THE USE OF SUBMERGED LAND, 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: Shondel, Bucci, James, Kos, Meiners, O'Donnell

No: None

Absent: Fenderbosch

Motion carried.

Mr. James moved for passage of Temporary Legislation #10133. Property owners at 13890 Lake Road requested a submerged land lease to construct a sea wall and steel pier in Lake Erie. Department heads have reviewed the request and have no objections. The Ohio Department of Natural Resources requires the resolution of no interest.

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

No: None

Absent: Fenderbosch

Motion carried.

**Ordinance No. 40-2013 adopted.**

**PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake, inquired by combining Belle Road Park and Save the Woods Park. Mr. James explained that since Belle Road Park is owned by the City of Avon Lake and the other park is owned by the Metro Parks it would be difficult to combine the parks.

Matt Collier, 129 Inwood Boulevard, thanked Council for confirming his appointment to the Tree Commission.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Absent: Fenderbosch

Motion carried.

Adjournment: 8:35 P.M.

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

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