

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD MARCH 11, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on March 11, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

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

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

**APPROVAL OF MINUTES**

The minutes of the February 25, 2013 Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

Congresswoman Kaptur is scheduled to meet with representatives from NRG, formerly GenOn, to discuss the status of the Avon Lake facility. When Mr. James was in Washington to testify before a congressional subcommittee about the closing of the power plant, he spoke to Mrs. Kaptur about the issue.

A large number of fish have washed up on area beaches. This is a natural phenomenon that occurs annually due to strong winds and currents.

The Ward IV meeting will be held on March 13, 2013 at Troy School at 7:00 P.M.

The helicopter deer count took place on March 9, 2013. Chief Owad and Lt. Bolger are analyzing the results and will compare them with the deer spot lighting program conducted by the Police Department.

Dr. Alan Rutberg of Tufts University has been in contact with the Mayor. Tufts University is developing a contraception study for Avon Lake as part of the deer management program. Tufts will draw up a proposal based on the helicopter deer count which will be presented to the Ohio Department of Natural Resources for their consideration.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting is scheduled for March 18<sup>th</sup> and the next regular Council Meeting is scheduled for March 25<sup>th</sup>.

March 15, 2013 is the deadline for nominations for Project of the Year and Citizen of the Year awards.

The Avon Lake Community Council is running the "March Away Hunger" program throughout the month of March. Donation boxes are located at City Hall, the Avon Lake Public Library, the Old Firehouse Community Center, the Safety Center, First Federal Bank, Commerce Group, and all Avon Lake Schools. Avon Village Elementary School and Avon East Elementary School have joined the program this year. According to CRS, food pantry stock is low at this time of year.

## **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

## **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee is scheduled to meet March 13, 2013 at 6:00 P.M.

## **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on the 2013 budget ordinance. The capital improvement budget is \$2.8 million which includes Police Department equipment, refurbishment of the Fire Department, a salt storage barn, Safety Center upgrades, and the street program among other items.

## **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported the Public Service Committee discussed the following items at the March 11, 2013 meeting: City Hall elevator renovations, the edge line striping program, revisions to Codified Ordinance 1469 regarding unsafe buildings, and the 2013 street program.

The next regularly scheduled meeting of the Public Service Committee is March 25, 2013 at 6:00 P.M. in the Engineering Conference Room.

## **SAFETY COMMITTEE REPORT**

The Safety Committee is scheduled to meet March 20, 2013 at 6:15 P.M. in the Council Conference Room. City Hall safety recommendations will be discussed.

## **SEWER COMMITTEE REPORT**

The Sewer Committee is scheduled to meet March 14, 2013 at 6:30 P.M. in the Engineering Conference Room. Agenda items include discussion regarding the sewer separation project and contractors approved by ALMU and the Building Department who are qualified to perform the work related to the lateral project. A meeting date will be set for owners whose properties have already been separated, but need additional work.

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

Mayor Zilka reported on the results of the February 28, 2013 Zoning Board of Appeals meeting.

### **AVON LAKE HISTORIC PRESERVATION COMMISSION**

Mr. Kos reported on the following items discussed at the February 27, 2013 Historic Preservation Commission meeting; the historic landmark designation of Lake Shore Cemetery, and the election of Catherine Nowak as Chair of the Commission.

### **TREE COMMISSION REPORT**

Mr. James reported that the Tree Commission is working on a street tree blueprint by mapping and naming the types of trees approved to replace existing trees due to recent storm damage or disease. Tree replacement is the responsibility of the home owner since the City does not have funds to replace trees at this time.

There is a vacancy on the Tree Commission.

### **ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT**

A business expo will take place at Hinckley Lighting on April 18, 2013 to give area businesses an opportunity to advertise their services. The proceeds will go toward the Community Improvement Corporation.

### **MOTIONS**

Mr. Bucci moved to remove from the agenda a motion to authorize the Law Director to file the Articles of Incorporation for the formation of the Community Improvement Corporation. There are some necessary changes to be made before the Articles of Incorporation are filed.

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

No: None

Absent: Shondel

Motion carried.

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Mrs. Fenderbosch moved to appoint Ray Nowak to the Environmental Affairs Advisory Board for a term expiring February 28, 2014. Mrs. Fenderbosch reviewed Mr. Nowak's resume and qualifications.

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved to confirm the Mayor's appointment of Mary Herrick to the Parks & Recreation Commission for a term expiring December 31, 2013. Mr. James reviewed Mrs. Herrick's resume and qualifications.

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved to authorize the Mayor to enter into a six month extension of the Folger House lease agreement between the City of Avon Lake and the Avon Lake Landmark Preservation Society. There are a number of necessary capital improvements related to the Folger House. The six month extension will allow the Landmark Preservation Society and the City to reevaluate the relationship and the City's responsibilities.

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

No: None

Absent: Shondel

Motion carried.

Mr. Bucci moved to accept the following donations to the City of Avon Lake: Chemtron - \$3,245.01; Fifth-Third Bank - \$11.13; Anonymous - \$411.22. These amounts were awarded to these companies as part of the jobs growth incentive program. The companies wish to return the payments back to the City. The anonymous donation will go to the Police Department as requested by the company in appreciation for outstanding service by the Police Department. The other donations will go to the Community Improvement Corporation.

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

No: None

Absent: Shondel

Motion carried.

Mr. O'Donnell moved to adopt the revised Council Meeting schedule. Due to Labor Day, the Collective Committee meeting was rescheduled for Tuesday, September 3<sup>rd</sup>. However, this would conflict with the Planning Commission meeting on the 3<sup>rd</sup>.

The Collective Committee meeting will be rescheduled to September 9<sup>th</sup> preceding the Council Meeting.

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

No: None

Absent: Shondel

Motion carried.

## **LEGISLATION**

### Third Readings:

Temporary Legislation #10086R, AN ORDINANCE AMENDING RESOLUTION NO. 87-2012 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #10086R. This ordinance establishes the budget for the year 2013 as required by the County Auditor. The total general fund amount is \$15,486,000, which includes revenue from the paramedic soft billing program. The income tax capital improvement fund is \$2.7 million. The total budget is \$72,451,000 which includes all the enterprise activity and financial responsibilities of the Utilities Department.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 20-2013 adopted.**

Temporary Legislation #10106, AN ORDINANCE ALLOWING WINE TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY FESTIVAL TO BE HELD AT VETERANS MEMORIAL PARK ON JULY 13, 2013, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #10106. This ordinance will permit the City to apply for a one-day liquor permit to hold the second annual wine festival at Veterans Memorial Park. The event is sponsored and fully funded by the Avon Lake Waterfront Corporation.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 21-2013 adopted.**

Temporary Legislation #10109, AN ORDINANCE APPROVING A REVISION TO THE GENERAL DEVELOPMENT PLAN FOR LEGACY POINTE, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10109. The revision to the general development plan for phase seven of Legacy Pointe was approved by Planning Commission at the February 5, 2013 meeting. The revision will expand the subdivision to create 17 additional sublots on an additional 7.94 acres.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 22-2013 adopted.**

Second Readings:

Temporary Legislation #10112, AN ORDINANCE AMENDING AVON LAKE CODIFIED ORDINANCE CHAPTER 1058 AND REPEALING ORDINANCE NO. 89-2012, ENTITLED EROSION AND SEDIMENT CONTROL, was read by title only.

Mrs. Fenderbosch reviewed the amendments. Section 1058.04 defines any conflict between this provision and Chapter 1060 indicating the most stringent regulations will prevail. Section 1052.07 places the burden of compliance on the applicant and not the City. Section 1058.11 (e) (1) states the storm water program manager has the right to review specific maintenance requirements in all HOA covenants and restrictions. Section 1058.15 (c) states that in cases where a violation notice has been issued for a site, the owner/agent shall be granted a reasonable amount of time, not to exceed five calendar days, to respond in writing and provide a timeline to complete the necessary corrections; the storm water program manager shall review and approve the appropriate time line as he feels is appropriate. Section 1058.16 mirrors the penalties outlined in Chapter 1060.

Temporary Legislation #10113, AN ORDINANCE AMENDING AVON LAKE CODIFIED ORDINANCE CHAPTER 1060 AND REPEALING ORDINANCE NO. 88-2012, was read by title only.

This mirrors Chapter 1058 and addresses storm water-borne debris generated disturbances.

Temporary Legislation #10116, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ZONING ADMINISTRATOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 80-2013, was read by title only.

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The Human Resources Director recommended adoption of a revised job description for the Zoning Administrator position to more accurately reflect the duties of the position. The Law Director has reviewed the revised job description.

Temporary Legislation #10117R, AN ORDINANCE FIXING PERFORMANCE STIPENDS FOR CERTAIN AVON LAKE MUNICIPAL UTILITIES EMPLOYEES, was read by title only.

The Board of Municipal Utilities approved performance stipends for certain Municipal Utilities employees for increased and higher level duties associated with the LORCO project. A stipend of \$2500.00 will be granted to five positions for work performed on the LORCO Project in 2012.

First Readings:

Temporary Legislation #10119, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL PROFESSIONAL AGREEMENT WITH ONELINK TECHNICAL SERVICES LLC FOR INFORMATION TECHNOLOGY MANAGED SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

OneLink submitted the low bid in the amount of \$52,428.00 for information technology services.

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.

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.

Temporary Legislation #10121, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mr. James moved for passage of Temporary Legislation #10121. Mr. Reitz, the Engineering/Service Department Manager, recommended HzW Environmental

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Consultants for monitoring the closed landfill. This is required by the Ohio EPA. The contract amount shall not exceed \$82,500.00.

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

No: None

Absent: Shondel

Motion carried.

**Ordinance No. 23-2013 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.

The Human Resources Committee reviewed and recommended the Civil Service Rules as revised by the Civil Service Commission.

Temporary Legislation #10123, AN ORDINANCE ESTABLISHING THE POSITION OF INTERIM DIRECTOR OF THE SERVICE AND ENGINEERING DEPARTMENTS FOR THE CITY OF AVON LAKE, AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

The interim director position is being established while the administration considers consolidation of City departments.

Temporary Legislation #10124, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN INDOOR PLAYGROUND AT AN EXISTING BUILDING LOCATED AT 32864 PIN OAK PARKWAY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shondel

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10124. Planning Commission approved and recommended the conditional use permit for an indoor playground. The owner asked for suspension of the rule requiring three readings and emergency passage in order to establish his business during this optimal time of year for an indoor facility. The facility will be open for children 0-6 years of age.

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

No: None

Absent: Shondel

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Motion carried.

**Ordinance No. 24-2013 adopted.**

Temporary Legislation #10125, AN ORDINANCE DESIGNATING THE LAKE SHORE CEMETERY AS A HISTORIC LANDMARK, was read by title only.

Planning Commission approved and recommended the historic landmark designation of the cemetery located on Lake Road.

**PUBLIC INPUT**

Ankur Gupta, 32864 Pin Oak Parkway, owner of Kids Play Indoor Fun, explained the concept of the facility.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Absent: Shondel

Motion carried.

Adjournment: 8:20 P.M.

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

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