

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 14, 2011**

The Regular Meeting of the Avon Lake Municipal Council was called to order on November 14, 2011 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

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

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

**APPROVAL OF MINUTES**

The minutes of the October 24, 2011 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

On October 31<sup>st</sup>, the Mayor met with Mary Jane Reedy of Hosted Technology Exchange (HTex). They will be evaluating the phone system.

On November 2<sup>nd</sup>, the Mayor attended a special meeting of Mayors and Managers of Lorain County. The Director of ODOT discussed turnpike issue and funding.

On November 8<sup>th</sup>, the Mayor met with Chuck Whitmer, Chair of the Board of Municipal Utilities.

The Mayor congratulated Jane Ramsey of Learwood School on their Veterans Day celebration and program.

The Mayor congratulated George Haxhiu on the Camp Imagine reverse raffle.

The Mayor congratulated the Landmark Preservation Society for a successful chili cook-off fundraiser.

The Mayor congratulated Avon Lake resident Bernie Tadych on his 100<sup>th</sup> birthday.

**COUNCIL PRESIDENT'S REPORT**

Council President Zilka made the following announcements. The next Collective Committee meeting is scheduled for November 21<sup>st</sup> ; a Special Council Meeting will

be held prior to the Collective Committee Meeting to appoint a lieutenant in the Fire Department. The next Regular Council Meeting is scheduled for November 28<sup>th</sup>. Mr. Zilka commended the Learwood School 7<sup>th</sup> and 8<sup>th</sup> grade classes on their Veterans Day program.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

A public input meeting for residents regarding sewers, stormwater, and flooding will be held at the following locations: November 16<sup>th</sup> at 7:00 P.M. at Learwood School; November 17<sup>th</sup> at 7:00 P.M. at Troy School.

Residents who experience street flooding should notify the Police Department.

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

The Law Department Update was distributed.

Law Director Kerner announced a mayoral run-off election will be held on December 6<sup>th</sup>. Residents can request absentee ballots from the Board of Elections; applications are available on the Board of Elections website, and at the Avon Lake Public Library.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch reported on the Environmental Issues Series held November 9<sup>th</sup>. The topic was deer management.

On November 15<sup>th</sup>, Mrs. Fenderbosch will attend the Ohio Community Wildlife Cooperative in Columbus to give her presentation on deer management. This is the last week of the deer spotting count. The numbers will be given to the Ohio Department of Natural Resources and the Cleveland Natural History Museum.

The last Environmental Issues Series of 2011 will take place on December 11<sup>th</sup> at the Avon Lake Public Library at 7:00 P.M.; the topic is how to fund infrastructure.

An Environmental Committee meeting is scheduled for November 17<sup>th</sup> at 8:30 P.M. in the Council Conference Room.

### **FINANCE COMMITTEE REPORT**

The Finance/Audit Committee is scheduled to meet November 21<sup>st</sup> at 6:00 P.M. in the Council Conference Room. A joint meeting between the Finance and Sewer Committees will follow the Finance/Audit Committee meeting.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the November 7<sup>th</sup> Human Resources Committee meeting: Biller-Bookkeeper and Cashier-Bookkeeper positions in the Utilities Department, and salaries of non-bargaining unit employees.

## **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos stated that a motion will be considered regarding the Avon Lake Facebook Page Policy. The administration determined that a Facebook page is a good way to communicate directly with residents. The policy defines what is acceptable for publication on the page. The policy was developed by the Cable Advisory Commission, the Public Utilities Committee, the Cable Studio Manager, and the Law Director. Once the policy is adopted by Council, the Facebook page will be added to the City website.

Mr. Kos stated that he is investigating power outages on Long Point Drive and Harbor Court.

## **SAFETY COMMITTEE REPORT**

Mr. Rush reported on the following items discussed at the November 19<sup>th</sup> Safety Committee meeting: speeding on Krebs Road, a damaged light pole at Moore and Electric, deer management, the fire regionalization study, and Miller Road Park safety concerns.

Mr. O'Donnell reported on the fire regionalization study group which is composed of eight communities. It was determined that it is not in the best interest of Avon Lake to become involved in a regional fire district or fire authority. Avon Lake, Lakewood, North Olmsted, and North Ridgeville decided not to pursue a regional fire authority. Bay Village, Fairview, Rocky River, and Westlake will move forward with the fire authority concept.

The Safety Committee is scheduled to meet November 16<sup>th</sup> at 6:15 P.M. in the Council Conference Room.

## **SEWER COMMITTEE REPORT**

Mr. Meiners reported on the following items discussed at the Sewer Committee meeting held November 8<sup>th</sup>: waiving of inspection fees for a sump pump pilot program, and Cloud software.

## **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the November 14<sup>th</sup> Economic Development Committee meeting: request for proposals for a legal opinion with

respect to the job growth incentive program; a resolution of support for certain economic development goals and targets; and the hiring of a grant writer.

## **MOTIONS**

Mr. O'Donnell moved to accept the quote from Richards Tree & Crane Service in the amount of \$12,875.00 for tree removal. The trees are located on City property.

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

No: None

Motion carried.

Mr. Kos moved to adopt the Avon Lake Facebook Page Policy.

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

No: None

Motion carried.

Mr. Rush moved to accept the EMS grant. The Avon Lake Fire Department was awarded a \$2500 reimbursement grant from the Ohio Department of Public Safety, Division of Emergency Medical Services.

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

No: None

Motion carried.

Mr. Rush moved to authorize the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a stock ownership change for Tai Chee Kung, Inc. The Police Chief indicated he has no objection to the stock transaction.

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

No: None

Motion carried.

## **LEGISLATION**

### Second Reading:

Temporary Legislation #9896, AN ORDINANCE ESTABLISHING PAY RANGES FOR THE POSITION OF LORCO ADMINISTRATIVE ASSISTANT WITHIN THE AVON LAKE MUNICIPAL UTILITIES, AND DECLARING AN EMERGENCY, was read by title only.

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

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Yes: Zilka, Bucci, Fenderbosch, Kos, O'Donnell, Rush  
No: Meiners  
Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9896. The Board of Municipal Utilities recommended a pay range for the position of LORCO Administrative Assistant. At the time of hiring the LORCO Administrative Assistant, the pay range was not established.

Yes: Zilka, Bucci, Kos, O'Donnell, Rush  
No: Meiners, Fenderbosch  
Motion carried.

**Ordinance No. 122-2011 adopted.**

First Readings:

Temporary Legislation #9899, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FIRE CHIEF IN THE AVON LAKE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 72-95, AND DECLARING AN EMERGENCY, was read by title only.

The Human Resources Director recommended revisions to the job description to bring it up to date.

Temporary Legislation #9900 AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LIEUTENANT IN THE AVON LAKE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

The Human Resources Director recommended revisions to the job description to bring it up to date.

Temporary Legislation #9901, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FIREFIGHTER/PARAMEDIC IN THE AVON LAKE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 50-2008, AND DECLARING AN EMERGENCY, was read by title only.

The Human Resources Director recommended revisions to the job description to bring it up to date.

Temporary Legislation #9902, AN ORDINANCE AUTHORIZING SALARY AND WAGE ADJUSTMENTS AND FIXING ANNUAL SALARIES AND WAGE RATES OF CERTAIN NON-BARGAINING UNIT EMPLOYEES, AND DECLARING AN EMERGENCY, was read by title only.

The Mayor and HR Director Wintermyer proposed a change in the PERS pick-up program for certain non-bargaining unit employees. Currently the City pays the employee PERS contribution for certain department heads and one non-bargaining unit employee. Due to recent action by the State Legislature, the administration recommended terminating the PERS pick-up, and in order to maintain each employee's current net pay, there will be salary adjustments to make them whole. Since PERS pick-up is pre-tax, there will also be an additional adjustment to account for the increased tax deduction. The HR Committee voted to recommend the salary adjustments to Council.

Temporary Legislation #9903, AN ORDINANCE PROVIDING FOR TRANSFERS, AMENDMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9903. The Finance Director determined that certain financial adjustments are needed for the current and necessary expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 123-2011 adopted.**

Temporary Legislation #9904, A ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF AVON LAKE BY ADOPTING THE RENEWABLE ENERGY SYSTEMS REGULATIONS, was read by title only.

At the November 1, 2011 Planning Commission meeting, Planning Commission recommended to Council the adoption of renewable energy systems regulations. Since the first review and referral to Planning Commission, a definition of renewable energy systems has been added at the recommendation of the Law Director.

Temporary Legislation #9905, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1010.11, ENTITLED TREE LAWNS, was read by title only.

The Public Service Committee recommended amendments to Codified Ordinance Section 1010.11, entitled Tree Lawns. This amendment will prohibit the construction of monument mailboxes and the placement of other items in the right-of-way. Trees

planted in the right-of-way must be approved by the municipal arborist. Sprinkler heads on tree lawns shall be permitted along the edge of the sidewalk as authorized by the Building and Engineering Departments pursuant to the Ohio Building Code and Codified Ordinance Section 1010.02.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Rush announced that five members of the Avon Lake Fire Department were recognized for excellence of service by the Cleveland Clinic in Lyndhurst. Mr. Rush asked that they be recognized at a future Council meeting.

In discussion of deer management, the Environmental Committee will consider legislation prohibiting feeding of deer.

**PUBLIC INPUT**

John Shondel, 410 Greenbrier Drive, expressed support for legislation prohibiting the feeding of deer.

**ADJOURNMENT**

Mr. O'Donnell moved to adjourn.

Yes: Zilka, Bucci, Fenderbosch, Kos, Meiners, O'Donnell, Rush  
No: None  
Motion carried.

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

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