

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 28, 2011**

The Regular Meeting of the Avon Lake Municipal Council was called to order on November 28, 2011 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mrs. Fenderbosch 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 November 14, 2011 Regular Council Meeting were approved as prepared and published.

**PUBLIC HEARING**

At 7:32 P.M. a Public Hearing was called to order upon an amendment to Planning & Zoning Code Section 1212.03 (56) defining a kennel.

The Public Service Committee and the Zoning Administrator recommended the amendment to define a kennel as any lot or premises on which more than five dogs, five cats, or a combination of dogs and cats that total more than five, more than four months of age, are housed, groomed, bred, boarded, trained, or sold, provided, however, that a kennel shall not include overnight boarding incident to medical care at a veterinary hospital or clinic. This will allow a household to have a maximum of five pets. The current code defines a kennel as more than four dogs, four cats or any combination thereof. The proposed amendment was reviewed by Planning Commission and recommended to Council for approval.

The Public Hearing was closed at 7:35 P.M.

**APPOINTMENT OF A FIREFIGHTER/PARAMEDIC**

Temporary Legislation #9909, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9909. The Civil Service Commission certified the appointment of Christofer McKay to the position of Firefighter/Paramedic. His appointment will be effective December 5, 2011.

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

No: None

Motion carried.

**Ordinance No. 126- 2011 adopted.**

Law Director Kerner administered the Oath of Office to Mr. McKay.

### **CORRESPONDENCE**

A letter was received from Jonathan Leonard, President of the Avon Lake Youth Baseball Federation, requesting the waiving of all Planning Commission and Building Department review and permit fees associated with the Weiss Field concession stand construction.

A memo was sent by Tony Abram asking that Avon Lake celebrate the 200<sup>th</sup> birthday of Avon Lake in 2012.

A letter was received from Thomas A. Sherrill of 216 Moore Road regarding the dozens of yard signs erected by Domino's Pizza.

### **MAYOR'S REPORT**

Mayor Zuber made the following announcements.

Two public meetings regarding stormwater and flooding were held on November 16<sup>th</sup> and November 17<sup>th</sup>.

The Mayor congratulated the second and fourth grade classes for their fire poster awards for Fire Awareness Month.

Light up the Park will take place on December 4<sup>th</sup> at 6:00 P.M.

Income tax collections are up \$1.47 million dollars over last year's collections, which represents a 20% increase. This year Avon Lake will collect over \$9 million in income tax. Over \$2 million will be collected from Ford Motor Company.

A motion is on the agenda to waive fees for the Avon Lake Youth Baseball Federation's Weiss Field concession stand project. The Building Department fees amount to \$1,829.36.

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

Council President Zilka made the following announcements.

The next Collective Committee meeting is scheduled for December 5<sup>th</sup>. A Special Council Meeting will immediately follow the Collective Committee meeting for the purpose of approving the purchase of police vehicles. The next regular Council meeting is scheduled for December 12<sup>th</sup>. A rescheduled Council meeting will be held on December 19<sup>th</sup> following the Collective Committee meeting. No Council meeting will be held on December 26<sup>th</sup>.

There will be an organizational meeting of Council-elect on December 8<sup>th</sup> at 7:00 P.M. for the purpose of electing a Council President.

The mayoral run-off special election will be held on December 6<sup>th</sup>.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

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

The Law Department Update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch reported on the following items discussed at the November 17, 2011 Environmental Committee meeting: propane/CNG fueled cars; deer management; and the power plant.

### **FINANCE COMMITTEE REPORT**

Mr. Zilka reported on the following items discussed at the November 21, 2011 Finance Committee meeting: fireworks and terrorism insurance coverage; review of the City's management account from Fifth Third Bank; a transfer ordinance; the 2012 temporary budget; the September final statement; the October preliminary statement; and the waiving of fees related to a sump pump pilot program.

### **SAFETY COMMITTEE REPORT**

Mr. Rush reported that the Safety Committee recommended to Council the purchase of a base radio system for the Fire Department. The purchase is necessary to comply with the FCC's mandate to change band frequencies.

The use of the floater position over the past several weeks has saved the City approximately \$17,000 in over-time costs.

## **MOTIONS**

Mr. O'Donnell moved to refer a request to Planning Commission for historic landmark designation for the Peter Miller House Museum building and property.

The Public Service Committee reviewed this request and recommended it to Council. A survey of the property was performed.

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

No: None

Motion carried.

Mr. Zilka moved to waive all fees associated with the Avon Lake Youth Baseball Federation's Weiss Field concession stand building.

The Baseball Federation raised approximately \$150,000 for this project. The facility will be turned over to the City of Avon Lake. The estimated Building Department fees total \$1,829.36; Planning Commission fees total \$175.00.

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

No: None

Motion carried.

## **LEGISLATION**

### Second Readings:

Temporary Legislation #9889, AN ORDINANCE AMENDING CHAPTER 1212 OF THE PLANNING & ZONING CODE, ENTITLED DEFINITIONS, was read by title only.

Planning Commission reviewed and recommended this item to Council for approval. A kennel is defined as any lot or premises on which more than five dogs or five cats, or a combination thereof that total more than five, more than four months of age, are housed, groomed, bred, boarded, trained, or sold, provided that a kennel shall not include overnight boarding incident to medical care at a veterinary hospital or clinic. The amendment increases the number from four to five.

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 #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.

First Readings:

Temporary Legislation #9907, AN ORDINANCE PROVIDING FOR TRANSFERS AND AMENDMENTS TO PERMANENT APPROPRIATIONS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zilka moved for passage of Temporary Legislation #9907. The Finance Director determined certain transfers and amendments to permanent appropriations are necessary for the current expenses of the City.

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

**Ordinance No. 125-2011 adopted.**

Temporary Legislation #9908, A RESOLUTION TO ADOPT AND DECLARE A TEMPORARY BUDGET FOR THE YEAR 2012, AND DECLARING AN EMERGENCY, was read by title only.

The temporary budget will allow the City to function during the first three months of 2012 until the permanent budget is established by March 31<sup>st</sup>. The Finance Director established the temporary budget by using 40% of the 2011 budget.

Temporary Legislation #9910, AN ORDINANCE AUTHORIZING THE PURCHASE OF A BASE RADIO SYSTEM FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Rush moved for passage of Temporary Legislation #9910. The Fire Department requested authority to purchase a new base radio system to comply with the FCC's mandate to change from wide band radio frequencies to narrow band. Lt. Moore determined the quote from Vasu Communications in the amount of \$22,878.30 is the best responsive quote.

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

No: None

Motion carried.

**Ordinance No. 127-2011 adopted.**

Temporary Legislation #9911, A RESOLUTION IN SUPPORT OF ECONOMIC DEVELOPMENT INITIATIVES, was read by title only.

The Economic Development Committee developed economic development goals and initiatives to promote economic growth in the City of Avon Lake.

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Boxes for the Toys for Tots campaign will be located at City Hall, the Municipal Utilities Building, the Avon Lake Public Library, the Avon Lake Fire Department, and the American Legion on Walker Road until December 16<sup>th</sup>.

### **PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, inquired about work being done at City Hall. Windows are being repaired

### **EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to discuss the purchase of land.

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

No: None

Motion carried.

Adjournment: 8:25 P.M.

### **RECONVENING OF OPEN COUNCIL MEETING**

The open Council meeting reconvened at 8:52 P.M. with Council President Zilka presiding.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Law Director William Kerner, Mayor Zuber.

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Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:53 P.M.

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

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