

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 14, 2012**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on November 14, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell 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, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

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

**APPROVAL OF MINUTES**

The minutes of the October 22, 2012 Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka made the following announcements.

On October 29<sup>th</sup>, Governor Romney held a rally at Avon Lake High School. The Avon Lake Police Department assisted the United States Secret Service for the event. All on-duty Police Department personnel were assigned, totaling 19 officers for security, traffic, and SWAT assignments. The Lorain County Sheriff's Office and the Ohio State Patrol also provided assistance. The number of added full-time personnel hours was 99, and the part-time hours totaled 39.5 hours. The additional expense to the Department was calculated at \$6,110.66. Two Service Department workers were called to set up barriers on Sunday; overtime for the Service Department was \$260.00. The Fire Department logged \$1,550.60 in overtime for the event. The total cost to the City was just under \$8,000.00. The City may be reimbursed for the event.

Over 6400 Avon Lake homes were without power as a result Hurricane Sandy. Safety forces and the Service Department worked through the night to make roads passable. The Recreation Department staff is to be commended for keeping the Old Firehouse Community Center open for residents without power. The Lorain County Citizens Emergency Response Team, Chief Eisenhardt, and Mr. Kos helped perform a door-to-door check on residents without power.

## November 14, 2012 Council Meeting Minutes

The Mayors of Bay Village, Fairview, and Rocky River met with a representative of First Energy to discuss their response time and recovery effort during the aftermath of the storm. As a result of the meeting, Mayor Sutherland informed Mayor Zilka that the response protocol of the power company will be revised to meet the needs of its customers. Mayor Zilka and Mayor Summers of Lakewood will organize a meeting with other mayors of the region to meet with John Scorey of First Energy.

Leaf pick-up will continue until the end of the year. Branch pick-up will continue over the next few weeks.

Small Business Day is November 24, 2012. Residents are encouraged to support Avon Lake's local businesses.

The Mayor attended the "Follow the Fish" event at Lorain Community College. This is an economic development tool through the expression of art. From May to October of 2013 fish sculptures will be displayed in Lorain County to lead people to Lorain County merchants, parks, beaches, and special events.

In answer to Mr. Kos, Mayor Zilka stated that, at this point, he does not know who would reimburse the City for costs associated with Governor Romney's rally. Mayor Zilka further stated that a resident was concerned with the safety of students during the rally at the High School.

Mr. Kos stated that his concern is that this was not an official State visit, but a political pep rally that used tax payers' money. Mr. Kos stated that he would like a policy in place for the reimbursement of costs to the City for political partisan rallies.

Mayor Zilka stated that the pep rally was not put on by the City of Avon Lake. The Avon Lake Schools agreed to host the event. The City does have an obligation to ensure such an event is held in a safe manner with the use of City personnel.

Mr. Kos asked who approached the school for permission to host the event, and if Superintendent Scott asked the Mayor's office to coordinate the safety forces. Mr. Kos also asked if the cost to the City and possible reimbursement were discussed beforehand.

Mayor Zilka stated that he did not retrieve the message regarding the rally until Sunday. Communication regarding the event was conveyed to the school late on Friday. Mr. Kos asked who approached the school to ask if the Romney rally could be held at the High School. Mayor Zilka stated that it was someone from the local Romney campaign.

Mr. Bucci stated that he was approached by the Romney campaign to find a venue in Avon Lake to hold the rally. Mr. Bucci thanked the schools and Superintendent Scott for their cooperation and said Mr. Scott indicated that this would be a learning experience for the students to see democracy in progress. Mr. Bucci stated that the

head of the Secret Service told him the performance of the Avon Lake police force was top notch. Mr. Bucci further stated that this event also benefited Avon Lake by showcasing the City.

Mr. Kos stated that his main concern is the cost to the City and reimbursement.

Mrs. Fenderbosch referred to the comment about the safety of the children during the rally. She pointed out that not only was the Avon Lake Police Department present, but also County officers, the State Highway Patrol, TSA personnel, and the Secret Service.

Mr. Meiners stated that he does not feel the safety of the students was compromised due to the presence of the various safety forces and the Secret Service.

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

The next Collective Committee meeting is scheduled for November 19<sup>th</sup>. The next regular Council meeting is scheduled for November 26<sup>th</sup>.

Grants are available through WSOS Community Action for private property owners to receive up to 40% of the costs for removal of up to 2 ash trees. Residents should contact the Council office for more information. Applications will be accepted until November 30<sup>th</sup>.

A vacancy exists on the Environmental Affairs Advisory Board. Any resident interested in the position should send a letter of interest and resume to the Clerk of Council at [bdopp@avonlake.org](mailto:bdopp@avonlake.org) or by regular mail to 150 Avon Belden Road, Avon Lake.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

Mr. Reitz stated that over six inches of rain fell in 48 hours during the recent storm. The City was diligent in monitoring the retention basins and storm drains, which worked well during the storm.

Mr. Bucci asked Mr. Reitz about wetlands in the Bridgeside development and what homeowners are permitted to do in areas designated as wetlands that abut their property. Mr. Reitz stated that a property owner does have the right to remove a dead tree that is a danger to neighboring property. A property owner does not have the right to drain a wetland area. Planned Unit Developments were set up to preserve these areas. Any improvements to the wetlands that would affect the hydrology would require a permit from the Army Corps of Engineers.

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

The Law Director's litigation update was distributed.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on the following items discussed at the November 5, 2012 Finance Committee meeting: transfers of funds, and the necessity of a Special Council Meeting at the end of the year to close the financials. The special meeting is scheduled for December 31, 2012 at 5:00 P.M.

### **PUBLIC SERVICE COMMITTEE REPORT**

A Public Service Committee meeting is scheduled for November 26, 2012 at 6:15 P.M. in the Engineering Conference Room.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Shondel reported that he and the Mayor attended the Northeast Ohio Public Energy Council (NOPEC) meeting. NOPEC is an example of regional cooperation that generates multiple economic benefits for residents, small businesses, and local governments. Through 2010 and 2011 NOPEC continued to bring discounted electricity and natural gas to approximately 500,000 customers in 170 communities. Since its inception in 2000, NOPEC has used bulk buying strategies to cut the region's utility bills by more than \$160 million without using any public money. NOPEC is a non-profit council of governments. It is the largest public utility retail aggregation in the nation. Through an agreement with First Energy Solutions, NOPEC distributed grants totaling nearly \$16 million to all member communities to help local governments finance energy saving projects.

As meetings between the administration and First Energy take place, Mr. Shondel will eventually report on their pre-storm plans and the magnitude of First Energy's service area, their reaction to early weather predictions, specific protocols, and execution for restoration of power.

Mr. Shondel encouraged residents to register with Code Red, the emergency alert system, either via the City website or by calling the Fire Department at 933-8305.

### **SAFETY COMMITTEE REPORT**

A joint meeting between the Safety Committee and Environmental Committee is scheduled for November 15, 2012 at 5:45 P.M. in the Council Chamber. The Committee will consider the deer management study and proposed legislation.

A Safety Committee meeting is scheduled for November 20, 2012 at 6:00 P.M. Agenda items include capital purchases for the Police Department, City Hall safety, and the recent accident which occurred on Deer Run in the Fox Chapel subdivision.

## **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the following items discussed at the November 8, 2012 joint meeting with the Sewer Committee and Public Service Committee: the stormwater master plan update; the Law Director's update on Municipal Utility fee adjustments; amendments to the Codified Ordinances; and the sump pump disconnection program. On December 31, 2012 funding from the Municipal Utilities will end for residents required to disconnect their sump pumps from the foundation drains.

A joint meeting between the Sewer Committee and the Public Service Committee is scheduled for December 12, 2012.

## **AUDIENCE PARTICIPATION**

Joe Archecki, 368 Armour Road, expressed his opposition to construction of a restroom at Belle Road Park.

Kay Usher, 32685 Belle Road, asked that Kopf Reservation remain a passive park.

## **MOTIONS**

Mr. O'Donnell moved to request the Lorain County Metro Parks to pursue a study for construction of a restroom at Belle Road Park to be reviewed by various commissions and committees of the City of Avon Lake before being brought back to Council for the final decision making process. The administration has been involved in discussion with Mr. Ziemnik of the Metro Parks regarding options for a restroom at Kopf Reservation. A public meeting regarding a ten-year plan for Kopf Reservation is scheduled for November 27, 2012 at 7:00 P.M. at the Avon Lake Public Library. Due to budget constraints, Metro Parks could not construct the restroom until 2014 or 2015.

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

No: None

Absent: James

Motion carried.

## **LEGISLATION**

### Third Reading:

Temporary Legislation #10048, AN ORDINANCE AMENDING CHAPTER 1217.03 OF THE PLANNING & ZONING CODE, ENTITLED SITE PLAN REVIEW, was read by title only.

November 14, 2012 Council Meeting Minutes

Mrs. Fenderbosch moved for passage of Temporary Legislation #10048. This ordinance relates to the Stormwater Master Plan to incorporate a sustainability plan. All plans submitted to the City shall begin with a statement that outlines how the plans, designs, and objectives relate to the elements of the sustainability master plan as found in the Comprehensive Land Use Plan.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 138-2012 adopted.**

Second Readings:

Temporary Legislation #10057, AN ORDINANCE TO REZONE PROPERTY AT 130 MILLER ROAD ADJACENT TO THE AVON LAKE ANIMAL CLINIC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10057. The property to be rezoned is currently owned by the Animal Clinic and is zoned residential. The rezoning will change the parcel to B-1 zoning to allow for expansion of the Animal Clinic to add office space and parking. The required public hearing was held on November 12, 2012 at 7:30 P.M. in the Council Chamber as it had been advertised. The Council meeting had to be rescheduled due to observance of Veterans Day.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 139-2012 adopted.**

Temporary Legislation #10058, AN ORDINANCE APPROVING A VACATION PLAT FOR A DRIVE ON THE WEST SIDE OF MILLER ROAD, SOUTH OF ELECTRIC BOULEVARD AND A PORTION OF HAMILTON AVENUE AND CONSOLIDATION OF THE PARCELS, AND DECLARING AN EMERGENCY, was read by title only.

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

November 14, 2012 Council Meeting Minutes

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

No: None

Absent: James

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10058. There are no utility easements in the proposed vacated areas. The vacation of the drive on the west side of Miller Road and the portion of Hamilton Avenue, along with consolidation of the two properties, is needed for the expansion of the Animal Clinic. A portion of Hamilton Avenue was previously vacated.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 140-2012 adopted.**

Temporary Legislation #10064, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, was read by title only.

The Police Department has been collecting unclaimed bicycles for the past three years. The Police Chief requested authority to donate the bicycles to the Oberlin Bike Co-op, a non-profit organization.

First Readings:

Temporary Legislation #10065, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10065. The Finance Director determined certain transfers of funds are needed for the necessary expenses of the City.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 141-2012 adopted.**

Temporary Legislation #10066, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10066. This resolution is required by the County Auditor as part of the 2013 budget process. The millage for EMS services will not be calculated until the November election is certified.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 142-2012 adopted.**

Temporary Legislation #10067, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CLERK OF COUNCIL, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 121-2003, was read by title only.

The job description for this position was revised to accurately reflect the current qualifications and duties for the position.

Temporary Legislation #10068, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ASSISTANT CLERK OF COUNCIL, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 92-2001, was read by title only.

The job description for this position was revised to accurately reflect the current qualifications and duties for the position.

Temporary Legislation #10069, AN ORDINANCE ESTABLISHING THE POSITION OF BUSINESS LIAISON FOR THE CITY OF AVON LAKE AND ADOPTING A JOB DESCRIPTION ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This relates to a new part-time position created to assist the Mayor with economic development and retention and expansion of local businesses.

Temporary Legislation #10070, AN ORDINANCE ESTABLISHING THE POSITION OF COMMUNITY OUTREACH SPECIALIST FOR THE AVON LAKE MUNICIPAL UTILITIES, AND ADOPTING A JOB DESCRIPTION AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 4-99, AND DECLARING AN EMERGENCY, was read by title only.

This relates to a new part-time position in the Municipal Utilities.

Temporary Legislation #10071, AN ORDINANCE AWARDED A CONTRACT FOR CLEANING SERVICES FOR CITY BUILDINGS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: James

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10071. The Service Director recommended awarding a contract to ADW, Inc. which was the low bidder; three bids were received. The total amount of the three-year contract is \$87,300. The Service Director checked the references of ADW, Inc. and received favorable responses.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 143-2012 adopted.**

Temporary Legislation #10072, AN ORDINANCE PROCLAIMING NOVEMBER 24, 2012 AS SMALL BUSINESS DAY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: James

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10072. This resolution establishes a Small Business Day to encourage residents to support local businesses on November 24<sup>th</sup>.

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

No: None

Absent: James

Motion carried.

**Ordinance No. 144-2012 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Meiners thanked Ms. Ramsey and Mrs. Johnson for the Veterans Day breakfast and program at Learwood School.

Mr. Shondel stated that all veterans are invited to the Learwood School Veterans Day breakfast and can contact the school to be included on the mailing list.

Mr. Kos congratulated the Marine Corps on its 237<sup>th</sup> birthday.

Mrs. Fenderbosch attended the Chili Cook Off fundraiser sponsored by the Avon Lake Historical Preservation Commission and won a floral arrangement from "In Bloom" a new florist in the Arts Town Shopping Center.

Mayor Zilka thanked the voters for approving Issue 10, the EMS levy.

## **PUBLIC INPUT**

Michelle Murphy, 554 Bayhill Drive, expressed her opposition to the proposed deer management plan and asked for additional public input meetings before the proposal is voted out of committee and referred to Council.

Dan Haude, 316 West Creek Drive, expressed his opposition to the proposed deer management program.

Jan Van Wagner, 118 Herrmann Drive, stated that over 2200 people signed a petition in support of a restroom at Belle Road Park. She thanked Council for passing a motion to request the Metro Parks to pursue a study for construction of the restroom.

## **ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Absent: James

November 14, 2012 Council Meeting Minutes

Motion carried.

Adjournment: 9:15 P.M.

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

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