

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD OCTOBER 11, 2011**

The Regular Meeting of the Avon Lake Municipal Council was called to order on October 11, 2011 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mr. O'Donnell 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 September 26, 2011 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

On October 4, 2011, Mayor Zuber met with Chuck Whitmer, Chairman of the Board of Municipal Utilities, regarding flooding issues in Avon Lake.

The Mayor, Engineering Department Manager Reitz, Todd Danielson, Chief Utilities Executive, and Bob Scott, Avon Lake School Superintendent, met to discuss the driveway at Troy School. A contract will be awarded.

The income tax collection receipts are up \$1.3 million over last year's receipts. The City will collect over \$9 million this year in income tax. The only other years income tax collections exceeded this amount were 2006 and 2007; in these years over \$3 million was collected from Ford Motor Company. This year the City will collect just over \$2 million from Ford, which shows that the City has broadened its business base.

The overtime figures from the paramedic fund are down \$30,000 this year from last year's figures.

Ford Motor Company announced a tentative agreement with the UAW for a \$128 million investment in the Ohio Assembly Plant.

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A Miller Road/Pin Oak Parkway business networking event is scheduled for October 20<sup>th</sup> at GL Direct.

The Mayor will meet with the IT Manager on October 12<sup>th</sup> to discuss problems with the new phone system.

Mr. Meiners asked the Mayor for profit/loss figures from the operation of the pool; the Recreation Director will provide the numbers.

Mr. Zilka stated that he had a complaint from a resident regarding Shred Day. Documents were not shredded on site, but were taken to another location.

Trick-or-Treat will be celebrated on October 31<sup>st</sup>.

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

Council President Zilka made the following announcements.

The next Collective Committee meeting is scheduled for October 17<sup>th</sup>. A Work Session will precede the Collective Committee Meeting at 7:30 P.M. to discuss the insurance contract bids. The next Council Meeting is scheduled for October 24<sup>th</sup>. October 31<sup>st</sup> is the fifth Monday of the month and no meeting is scheduled.

Mr. Zilka and Mr. Whitmer, Chairman of the Board of Municipal Utilities, met to discuss cooperation between the administration, Council, and the Utilities to address the issue of flooding.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

The 2011 asphalt paving work relating to the Inwood/Dellwood/Bellaire project area is tentatively scheduled to begin during the week of November 8<sup>th</sup>.

The Service Department is working on Krebs Road to enclose the ditch from Bay Village westward.

The City of Avon will remove the steel plates at Lear Road and Krebs Road this week.

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

The Law Department Update was distributed.

Mr. Kos asked for clarification of the sign ordinance regarding political signs for a possible mayoral run-off election. Mr. Kerner stated that the 30 day sign ordinance would apply.

In answer to Mr. Rush, Mr. Kerner stated that he has researched the legalities of Mr. Bucci's proposal for economic development. Mr. Kerner stated that he has researched the matter in several regards and further stated that he sees it as a program available to a company regarding job retention. A memo was sent to Mr. Bucci from Law Director Kerner. There is a role on the job retention side that follows the State statute. The Economic Development Committee should be part of the process of any job retention proposals that come before the City.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch made the following announcements.

The Environmental Issues Series will continue at the Avon Lake Public Library on October 12, 2011 at 7:00 P.M.; the topic is soil structure and condition, and basement construction.

The next Environmental Committee meeting is scheduled for November 3<sup>rd</sup>.

### **FINANCE COMMITTEE REPORT**

A Finance/Audit Committee meeting is scheduled for October 17<sup>th</sup> at 6:00 P.M. in the Council Conference Room. The following items will be discussed: insurance contract bids, the August final statement, the September preliminary statement, general fund expenditures, a transfer ordinance, and the Budget Commission resolution accepting the tax rates.

### **HUMAN RESOURCES COMMITTEE REPORT**

The Human Resources Committee is scheduled to meet October 24<sup>th</sup> at 6:15 P.M. in the Council Conference Room.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. O'Donnell referred to Temporary Legislation #9887 regarding a change order with Lakeland Glass. Mr. Reitz made the following comments. The original \$2000 change order which was discussed at the October 3<sup>rd</sup> Collective Committee Meeting is for window caulking. There have been continuous problems with wasps getting in behind the frames. The caulking being proposed is different than what was proposed in the original design. The contractor working on the curtain wall retrofits discovered a shattered glass panel, which adds an additional \$1400 to the change order.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos reported on the October 3, 2011 Public Utilities Committee meeting regarding power outages in Avon Lake, particularly the Westwinds area. Karen Goodson, the corporate representative from First Energy, gave a report on three major outages. The August 21<sup>st</sup> outage was due to a major storm. The September 21<sup>st</sup> outage was a result of two blown fuses, which have been repaired. The September 23<sup>rd</sup> outage was the result of a fallen tree which landed on two circuits which have been repaired. The main topic of the meeting was the temporary outages that residents have been experiencing. There have been three cable faults in two years in the Bayview area. First Energy will replace the cable faults on Bayview and Westwind Drive during the spring of 2012. Residents are encouraged to report any small temporary outages so First Energy can be aware of the problems; the number to call is 1-888-LIGHTSS (1-888-544-4877).

Mrs. Fenderbosch reported that street lights are not working at 32164, 32172 and 32173 Teasel Court. First Energy is aware of the problem and is working to restore the lights.

#### **SAFETY COMMITTEE REPORT**

A Safety Committee meeting is scheduled for October 19<sup>th</sup> at 5:15 P.M. in the Council Conference Room. The following items will be discussed: Fire Department regionalization; Krebs Road traffic; the Moore/Electric intersection; and safety concerns at Miller Road Park.

#### **SEWER COMMITTEE REPORT**

A Sewer Committee meeting was held October 6<sup>th</sup> to discuss the new catch basins to be installed on Harvey Parkway and Lake Road. The motion authorizing the catch basins listed on the agenda is incorrect. There will be four catch basins on Harvey Parkway and one catch basin on Lake Road. The Sewer Committee agreed that the administration and the Municipal Utilities should be more proactive with residents regarding the flooding problems in Avon Lake. The following public information meetings for residents will be held: November 9<sup>th</sup> from 7:00 – 9:00 P.M. at Learwood School for residents living east of Rt. 83; November 16<sup>th</sup> from 7:00 – 9:00 P.M. at Troy School for residents living west of Rt. 83. Mrs. Fenderbosch pointed out that a conflict exists with the November 9<sup>th</sup> meeting; the Environmental Issues Series is scheduled for that evening to discuss the deer in Avon Lake. She asked that the meeting regarding flooding be moved to November 10<sup>th</sup>. Mr. Meiners stated that he would check with the other participants.

Mrs. Fenderbosch discussed the Cloud software system which would connect all City buildings to track and manage a particular concern or project from beginning to end.

A Sewer Committee meeting is scheduled for October 26<sup>th</sup> at 4:00 P.M. in the Engineering Conference Room.

## **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

An Economic Development Committee meeting is scheduled for October 20<sup>th</sup> at 7:30 P.M. in the Council Conference Room. A representative from Hosted Technology Exchange (HTex) will give a presentation. Additionally, there will be discussion on the jobs growth program.

Mr. Bucci discussed a proposal for a wine festival as an Avon Lake signature event.

## **ENVIRONMENTAL AFFAIRS ADVISORY BOARD (EAAB) REPORT**

Mrs. Fenderbosch reported on the following items discussed at the October 5<sup>th</sup> meeting of the EAAB: continuation of the PIPE stormwater program, and the boy scouts Bicentennial clean-up project. Applied Specialties has begun construction on their 17,000 square foot warehouse with a projected completion date in December. They have hired additional staff. Construction of the new production line at Lubrizol began in September; the Avon Lake plant had 1 million hours without any lost time due to injury.

The EAAB is scheduled to meet November 2, 2011 at 6:30 P.M. at the Lake House.

## **CABLE ADVISORY COMMISSION REPORT**

Mr. Kos made the following announcement: the Mayors Forum held at the Avon Lake High School will begin airing October 12<sup>th</sup> at 5:00 A.M., 5:00 P.M., 11:00 A.M., and 11:00 P.M. on Time Warner channel 12 and WOW channel 21. The forum will also be available at [avonlake.pegcentral](http://avonlake.pegcentral).

## **AVON LAKE HISTORICAL PRESERVATION COMMISSION REPORT**

Mr. Kos announced that the Avon Lake Historical Preservation Commission met September 26<sup>th</sup>. After extensive research, the Commission determined that the appropriate date of Avon Lake's bicentennial is 1819. The Peter Miller House will receive the first historic designation under the Certified Local Government Program.

## **MOTIONS**

Mr. Zilka noted an editorial change to the following motion as listed on the agenda. Law Director Kerner determined it is a minor editorial change and would not need any Council action.

Mr. Meiners moved to authorize a contract with Kendera Enterprises in the amount of \$14,952.00 for installation of four catch basins on Harvey Parkway and one catch basin on Lake Road. The new catch basins should alleviate surface storm water on Harvey Parkway.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the advertisement of bids for energy efficient window replacements at the Fire Department. The Public Service Committee recommended this item to Council. The project will be funded through the NOPEC grant.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the advertisement of bids for energy efficient lighting at various City buildings. The Public Service Committee recommended this item to Council. The project will be funded through the NOPEC grant.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the advertisement of bids for an upgraded energy efficient HVAC control system at the Safety Center. The Public Service Committee recommended this item to Council. The project will be funded through the NOPEC grant.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize a donation in the amount of \$500 to the Avon Lake Women's Chorus. There are some issues with the organization since 51% of the members are not from Avon Lake. Since the members were not informed about the residency requirement, the Parks & Recreation Commission recommended a \$500 donation this year. The Commission is considering the development of a policy for all donations to recreation programs.

Mrs. Fenderbosch stated that she will not support the donation since 51% of the members are not from Avon Lake and the scholarship awarded by the Chorus does not always go to an Avon Lake student. She further stated that, in her opinion and the opinions of some of her constituents, the Women's Chorus is not a recreation program.

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

No: Fenderbosch

Motion carried.

Mrs. Fenderbosch moved to authorize an extension of time of an additional 15 days for Planning Commission to respond in accordance with Section 1218.05 of the Planning & Zoning Code to Council's proposed renewable energy systems regulations as contained in Ordinance No. 92-2011. After reviewing the proposed amendment, Planning Commission decided a definition of renewable energy is needed. Pursuant Planning & Zoning Code Section 1218.05, an extension is needed for further Planning Commission review since they must respond within 45 days of Council's referral or the amendment recommended by Council will be considered as a denial.

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

No: None

Motion carried.

## LEGISLATION

### Third Readings:

Temporary Legislation #9872, AN ORDINANCE CONFIRMING THE APPOINTMENT OF GLEN EISENHARDT AS FIRE CHIEF OF THE AVON LAKE FIRE DEPARTMENT, was read by title only.

Mr. Rush moved for passage of Temporary Legislation #9872. Mr. Eisenhardt scored the highest on the Fire Chief exam and will be appointed December 19, 2011 upon the retirement of Chief Morris. The salary for this position will be \$92,739.71. In addition to his salary, Mr. Eisenhardt will receive an annual clothing allowance of \$1000.00, and will receive all applicable benefits provided to full-time, non-bargaining unit employees as outlined in Chapter 260 of the Avon Lake Codified Ordinances.

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

No: None

Motion carried.

**Ordinance No. 105-2011 adopted.**

Temporary Legislation #9874, AN ORDINANCE AMENDING ORDINANCE NO. 37-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CASHIER BOOKKEEPER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9874. This legislation amends the job description to designate the Fair Labor Standards Act status as non-exempt, and the civil service status as unclassified.

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

No: None

Motion carried.

**Ordinance No. 106-2011 adopted.**

Temporary Legislation #9875, AN ORDINANCE AMENDING ORDINANCE NO. 36-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF BILLER-BOOKKEEPER I WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9875. This legislation amends the job description to designate the Fair Labor Standards Act status as non-exempt and the civil service status as classified.

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

No: None

Motion carried.

**Ordinance No. 107-2011 adopted.**

Temporary Legislation #9876, AN ORDINANCE AMENDING ORDINANCE NO. 61-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ENGINEERING SERVICES MANAGER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9876. This legislation amends the job description to designate the Fair Labor Standards Act status non-exempt and the civil service status as unclassified.

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

No: None

Motion carried.

**Ordinance No. 108-2011 adopted.**

Temporary Legislation #9877, AN ORDINANCE AMENDING ORDINANCE NO. 62-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF WATER POLLUTION CONTROL CENTER MANAGER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9877. This legislation amends the job description to designate the Fair Labor Standards Act status as non-exempt and the civil service status as unclassified.

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

No: None

Motion carried.

**Ordinance No. 109-2011 adopted.**

Temporary Legislation #9878, AN ORDINANCE AMENDING ORDINANCE NO. 63-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF DISTRIBUTION AND COLLECTION SYSTEMS MANAGER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9878. This legislation amends the job description to designate the Fair Labor Standards Act status as non-exempt and the civil service status as unclassified.

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

No: None

Motion carried.

**Ordinance No. 110-2011 adopted.**

Temporary Legislation #9879, AN ORDINANCE AMENDING ORDINANCE NO. 60-2011 ADOPTING A JOB DESCRIPTION FOR THE POSITION OF WATER PLANT MANAGER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9879. This legislation amends the job description to designate the Fair Labor Standards Act status as non-exempt and the civil service status as unclassified.

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

No: None

Motion carried.

**Ordinance No. 111-2011 adopted.**

Second Reading:

Temporary Legislation #9883, AN ORDINANCE REVISING THE PAY RANGES FOR THE POSITIONS OF BILLER-BOOKKEEPER I AND CASHIER BOOKKEEPER WITHIN THE AVON LAKE MUNICIPAL UTILITIES, AND DECLARING AN EMERGENCY, was read by title only.

The Board of Municipal Utilities approved pay ranges for these positions. The job descriptions for these positions were recently revised and this legislation will put in place salary ranges covering these two positions.

First Readings:

Temporary Legislation #9887, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH LAKELAND GLASS COMPANY, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9887. The change order amount is \$3400 and will cover necessary caulking and the replacement of a window panel relative to the curtain wall window retrofit project at City Hall.

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

No: None

Motion carried.

**Ordinance No. 112-2011 adopted.**

Temporary Legislation #9888, AN ORDINANCE AWARDED A CONTRACT FOR THE NEW HVAC SYSTEM AT THE OLD FIREHOUSE COMMUNITY CENTER AND SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9888. Allen Refrigeration Service submitted the low bid of \$44,212.00; two bids were received.

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

No: None

Motion carried.

**Ordinance No. 113-2011 adopted.**

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

This revision to the Planning & Zoning Code was recommended by Council and forwarded to Planning Commission for review. The revision defines a kennel as any

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lot or premise on which more than five dogs, five cats, or a combination of dogs and cats that total more than five.

**ADJOURNMENT**

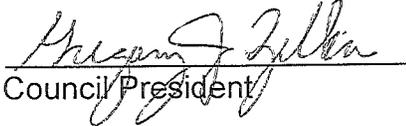
Mr. O'Donnell moved to adjourn.

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

No: None

Motion carried.

Adjournment: 8:45 P.M.

Approved:   
Council President

Attest:   
Clerk of Council