

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD SEPTEMBER 12, 2011**

The Regular Meeting of the Avon Lake Municipal Council was called to order on September 12, 2011 at 9:36 P.M. following the Collective Committee Meeting in the Council Chamber with Council President Zilka presiding.

Mr. Kos 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, Assistant Law Director David Graves, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp

Mayor Zuber arrived at 9:38 P.M.

**APPROVAL OF MINUTES**

The minutes of the August 22, 2011 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

The City of Avon Lake contributed the most donations for the Community Resource Services "Souper Bowl" fundraiser.

On August 31, 2011 the Municipal Utilities facility on Miller Road was officially named the John W. Kniepper building.

On September 8, 2011, Mayor Zuber met with Bay Village Mayor Sutherland regarding the fire regionalization study. The Joint Implementation Committee met on September 12, 2011.

A dog swim fundraiser for "Love a Stray" was held at the municipal pool on September 10<sup>th</sup>.

September is Avon Lake Business Appreciation Month. A breakfast for local business owners was held on September 1<sup>st</sup>. Another breakfast is scheduled for September 30<sup>th</sup> at the Lake House. Next week is "Take your Family Out to Eat" week. Residents are encouraged to patronize local restaurants.

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Income tax collections are at \$1.187 million which is a 20% increase over last year's collections. Approximately 50% of that amount is due to Ford Motor Company and PolyOne.

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

Council President Zilka made the following announcements.

The next Collective Committee meeting is scheduled for September 19<sup>th</sup>. The next Regular Council Meeting is scheduled for September 26<sup>th</sup>.

The Homecoming Parade will take place on October 1<sup>st</sup>. Council members are asked to arrive at the parking lot in front of ALPS at 9:30 A.M.. The parade will begin promptly at 10:30 A.M.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

The paving on Walker Road at Moore Road continues. The new traffic lights will be operational by Wednesday, September 14<sup>th</sup>.

The City is waiting for equipment delivery for the traffic light project on Pin Oak Parkway.

The asphalt paving will begin on September 15<sup>th</sup> at Vinewood, Crestwood, Colony, Parkwood, and Bonnieview. Paving of Redwood Boulevard from Richland up to Inwood will begin; the remainder will be paved when the sewer separation project is completed.

Naigle/Krebs Road in Bay Village will remain closed until October 1<sup>st</sup>. There could be additional closings on Bradley Road.

School bus routes will not be disrupted during the paving of Canterbury Road. Temporary stop signs have been erected. Rain has delayed the installation of sidewalks. Most of the road pavement has been completed.

Mr. Kos asked that the "No Outlet" sign on Belmar near Troy School be removed. It is confusing for motorists trying to reach the soccer fields.

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

The Law Department Update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch announced the "Environmental Issues Series" will continue on September 14<sup>th</sup> at the Avon Lake Public Library regarding propane versus CNG vehicles. Employees from Avon Lake, Avon, Bay Village, and Sheffield Lake will attend a more detailed meeting regarding the same topic.

### **FINANCE COMMITTEE REPORT**

The Finance Committee is scheduled to meet on September 19, 2011 at 6:00 P.M. The following items are on the agenda: July and August financial statements; manuscript debt for Utilities; general fund expenditures; income tax collection proposal from the State; and insurance contract bids.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci reported on the following items discussed at the August 29, 2011 Human Resources Committee meeting: transition of the new Fire Chief; the addition of Service Department laborers; and PERS pick-up for non-bargaining unit employees.

The Human Resources Committee is scheduled to meet September 13, 2011 following the 6:15 P.M. meeting of the Economic Development Committee. The Economic Development Committee will reconvene after the HR Committee meeting.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos stated that he has received some information from residents regarding electric outages. A meeting will be scheduled with a representative from the Illuminating Company.

Mr. O'Donnell asked that the grid situation for Avon Lake be addressed at the meeting, as well as addressing a notification system to residents advising them of when power will be restored after an outage.

### **SEWER COMMITTEE REPORT**

Mr. Meiners stated that residents should call the following Municipal Utilities numbers if they experience flooding problems after a storm; after business hours – 933-3229; during business hours – 933-6226.

Mayor Zuber stated that he has had discussions with Mr. Danielson and Mr. Whitmer regarding the footer tile and sump pump credit pilot program. He further stated that the City needs to fund the pilot program. Mayor Zuber made the following comments. Any resident who has sewerage back-up should file an insurance claim with the City of Avon Lake, which will be processed through the Finance Department. The first item on the agenda for Council and the Municipal Utilities should be the detention basin at Bleser Park as flooding issues are continuous. This

is a stormwater issue that is the responsibility of the City; the City will have to bear some of the cost. More problems will occur and as more sewers are separated.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

The Economic Development Committee is scheduled to meet September 13, 2011 at 6:15 P.M. The Committee has been meeting with area businesses and is now ready to present possible economic development initiatives.

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

The Avon Lake Historical Preservation Commission is scheduled to meet September 27, 2011 at 7:00 P.M. at the Avon Lake Public Library. There will be discussion regarding the actual 200<sup>th</sup> birthday of Avon Lake.

### **WARD REDISTRICTING AD HOC COMMITTEE REPORT**

Mr. Zilka reported that the Ad Hoc Committee voted 2-1 to adopt Map C as the new Ward Map.

### **MOTIONS**

Mr. Zilka moved to accept memorial donations for the Old Firehouse Community Center. The family of Carol Klekotta asked that donations be made to the Old Firehouse Community Center in lieu of flowers. The Finance Director will create a line item

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

No: None.

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for the Troy School driveway. It is necessary to install the driveway to provide school bus access during the Belmar Sewer Separation Project.

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

No: None.

Motion carried.

Mrs. Fenderbosch moved to accept a donation from PolyOne for the purchase of logo t-shirts for the Environmental Affairs Advisory Board. This is an in-kind donation valued at \$300.

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

No: None.

Motion carried.

## LEGISLATION

### Third Readings:

Temporary Legislation #9850R, AN ORDINANCE AMENDING CHAPTER 1256 OF THE PLANNING AND ZONING CODE, ENTITLED WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES REGULATIONS, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9850R. The amendments to the telecommunications tower regulations are a result of public input and research by the Engineering Department. The required Public Hearing was held at the second reading.

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

No: None.

Motion carried.

**Ordinance No. 89-2011 adopted.**

Temporary Legislation #9855, AN ORDINANCE AMENDING SECTION 1240.06 OF THE PLANNING AND ZONING CODE, ENTITLED ACCESSORY USE REGULATIONS, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9855. This amendment defines and sets regulations for fences. The required public hearing was held at the second reading.

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

No: None.

Motion carried.

**Ordinance No. 90-2011 adopted.**

Temporary Legislation #9856, A RESOLUTION REFERRING A PROPOSAL TO AMEND THE PLANNING & ZONING CODE TO PLANNING COMMISSION FOR REVIEW OF THE DEFINITION OF A KENNEL, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9856. The removal of the language in the Planning & Zoning Code allowing a homeowner the maximum of four cats or dogs, or any combination thereof, under the kennel ordinance was recommended by the Zoning Administrator. The recommendation is to change the maximum allowance to five cats or dogs, or any combination thereof.

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

No: None.

Motion carried.

**Ordinance No. 91-2011 adopted.**

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Temporary Legislation #9857, A RESOLUTION REFERRING A PROPOSAL TO AMEND THE PLANNING & ZONING CODE TO PLANNING COMMISSION FOR REVIEW OF PROPOSED RENEWABLE ENERGY SYSTEMS REGULATIONS, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9857. The Public Service Committee recommended that Planning Commission adopt renewal energy systems regulations for wind and solar devices.

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

No: None.

Motion carried.

**Ordinance No. 92-2011 adopted.**

Temporary Legislation #9863, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH IMOD MANUFACTURING, LLC/DESIGN ENGINEERING, INC. TO ALLOW FOR THE EXPANSION OF IMOD MANUFACTURING, LLC/DESIGN ENGINEERING, INC.'S OPERATIONS WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9863. This is in reference to a \$775,000 expansion of IMOD, which will increase the payroll from \$120,000 to \$300,000 and add five new jobs. It involves 10% abatement for ten years.

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

No: None.

Motion carried.

**Ordinance No. 93-2011 adopted.**

Second Readings:

Temporary Legislation #9865R, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF INTERIM ASSISTANT FIRE CHIEF, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will create a temporary position in the Fire Department to allow Chief Morris to train Lt. Eisenhardt and provide a smooth transition.

Temporary Legislation #9866R, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF GLEN EISENHARDT AS INTERIM ASSISTANT FIRE CHIEF, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, was read by title only.

This legislation provides for the hiring of Lt. Eisenhardt as Interim Assistant Fire Chief and will be effective November 21, 2011. The position will not receive the

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benefit of overtime compensation. The employee benefits are enumerated in Section 260 of Codified Ordinances.

Temporary Legislation #9867, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF AVON LAKE, A SIDEWALK EASEMENT AGREEMENT WITH KOPF CONSTRUCTION CORPORATION, was read by title only.

This legislation will allow the Mayor to enter into an easement agreement with Kopf Construction on Belmont Drive in conjunction with the Canterbury Road project.

Temporary Legislation #9869, AN ORDINANCE AUTHORIZING THE PURCHASE OF A PICK-UP TRUCK FOR THE ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None.

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9869. This legislation approves the purchase of a 2012 F-150 Ford pick-up truck for the Engineering Department in the amount of \$21,700.00 submitted through the State Purchasing Program.

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

No: None.

Motion carried.

**Ordinance No. 94-2011 adopted.**

First 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. Eisenhardt scored the highest on the Fire Chief exam and will be appointed December 19, 2011 upon the retirement of Chief Morris.

Temporary Legislation #9873, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPLE AMOUNT OF \$585,327.00 FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF REALIGNING A SEGMENT OF THE WATER LINE KNOWN AS ETL1 TO ACCOMMODATE CONSTRUCTION OF A NEW INTERCHANGE ON I-90, AND DECLARING AN EMERGENCY, was read by title only.

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The City's bond counsel prepared this legislation to accommodate a Municipal Utilities project.

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.

This legislation amends the job description to designate the collective bargaining and civil service status.

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.

This legislation amends the job description to designate the collective bargaining and civil service status.

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.

This legislation amends the job description to designate the collective bargaining and civil service status.

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.

This legislation amends the job description to designate the collective bargaining and civil service status.

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.

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This legislation amends the job description to designate the collective bargaining and civil service status.

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.

This legislation amends the job description to designate the collective bargaining and civil service status.

Temporary Legislation #9880, 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: Kos, Meiners, O'Donnell, Rush, Zilka, Bucci, Fenderbosch

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9880. The Finance Director determined that certain transactions are needed for the current and necessary expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 95-2011 adopted.**

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Kos will be unable to attend the September 19, 2011 Collective Committee Meeting.

Community Resource Services will hold a food drive at Tucky's Restaurant on September 17, 2011.

### **PUBLIC INPUT**

Anson Russell, 32484 Lake Road, addressed Council on basement flooding issues. He asked if downspouts and sump pumps were an integral part of sanitary sewer backup, and if Council has any authority to have homes inspected.

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Mr. Danielson made the following comments. Presently, the Municipal Utilities does not have any percentage data on the source of stormwater entering the sanitary sewers. When it rains, the Utilities Department goes out to investigate the source of sanitary backup. It is their belief that a large percentage of stormwater entering the sanitary sewer system and causing backups is coming from private property. During any sewer separation project, the Utilities Department has mandated that downspouts and yard drains be disconnected. They have not mandated that foundation drains be disconnected, but that might be worthy of further discussion. The Municipal Utilities can easily address any problem within the public right-of-way and City-owned infrastructure.

Assistant Law Director Graves stated that property owners can refuse entry for inspection of their homes. If there is probable cause, the City could pursue an order to enter the property.

Mr. Danielson stated that the Municipal Utilities has the ability to implement fines for illegal connections, and has the ability to perform certain levels of inspection. However, they will not find everything. For example, if a property owner has foundation drains connected through a sump pump or by gravity, it may not be detected by a smoke test.

Chris Quinlan, 73 Community Drive, inquired about sidewalks on Walker Road.

Mr. O'Donnell stated that the Public Service Committee will discuss completion of sidewalks on Walker Road in the Waterside Crossing area, and also on Lear Road.

Mary Jane Reedy, 32376 Lake Road, asked Council to consider her company, Hosted Technology Exchange, a cooperative buying group which could save the City money on technology services.

Mike Erlenmeyer, 201 Avondale Avenue, expressed his dissatisfaction with the condition of the road and sidewalks on Avondale. He also commented on the maintenance of vacant property on Avondale.

### **ADJOURNMENT**

Mr. O'Donnell moved to adjourn.

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

No: None

Motion carried.

Adjournment: 10:53 P.M.

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

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