

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 12, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on January 12, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, Marty O'Donnell, John Shondel; Mayor Zilka; Law Director Abe Lieberman; Director of Finance Steve Presley; Public Works Director Joseph Reitz; and Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the December 8, 2014 and the December 22, 2014 Council Meetings were approved as prepared and published.

PUBLIC HEARING

A Public Hearing upon the rezoning of property located on the south side of Webber Road identified as PPN 04-00-008-104-116 and PPN 04-00-008-104-118 was called to order at 7:33 P.M. The proposed zoning change is from Light Industrial to R-2 Multi-Family. Mrs. Fenderbosch referred to a projected map showing the areas to be rezoned. The proposed rezoning encompasses 9.46 acres from Pin Oak Holdings and 13.82 acres from ABK Ltd. The proposed rezoning area is located adjacent to Hampshire Highlands which is also zoned as R-2 Multi-Family. This proposed rezoning is a nice transition from Light Industrial to Multi-Family and then to Single Family zoning. Planning Commission approved the proposed rezoning unanimously.

The Public Hearing was closed at 7:36 P.M.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

The Fire Chief and Avon Lake Water Chief Utilities Executive informed the Mayor there were icing problems at the water plant on Saturday. A secondary pump had been installed and was replenishing some of the water into the settling tanks. The Mayor was assured that the water pressure for the safety forces was more than adequate. Cities and townships south of the regional water service area were contacted and were advised to arrange for water to be supplied to them from their secondary sources which caused the Ohio Emergency Management Agency to become aware of the situation. Fire Chiefs in the region were notified. Mr.

Danielson notified the Mayor on Saturday at 4:10 P.M. that the problem had been solved. Mr. Danielson had two on camera interviews with the media and spoke with two print media reporters. At 6:30 P.M. Mr. Danielson informed the Mayor that the situation had been corrected as divers and the Coast Guard were on hand for several hours and had bored through the ice to provide relief to the system. The advisory to suspend nonessential use of water was lifted. Ashtabula and several other water plants were experiencing the same problem. The Mayor will meet with Mr. Danielson on Tuesday and have further discussions. Avon Lake was in a better position to handle the situation this year because of last years' experience and due to some of the changes implemented. The administration will encourage the Regional Water System to make improvements to eliminate this type of situation from occurring every year.

Mr. Meiners stated that Council has been persistent about asking Avon Lake Municipal Utilities (ALMU) about a secondary water source if problems occur. To date, Mr. Meiners stated that he has not heard of anything that has been accomplished by ALMU. He asked Mr. O'Donnell if he has heard anything from ALMU regarding a secondary water source. Mr. O'Donnell stated that he has been a proponent of getting a secondary water source into Avon Lake. He further stated that it is his understanding that the ALMU Board has a clear understanding that they need to accomplish this and they have been pursuing an agreement with the City of Elyria. Mayor Zilka confirmed that ALMU has had discussion with the City of Elyria. Last year ALMU was very helpful to the City of Elyria when they experienced icing problems. There is an area in south Elyria where their water lines cross with the water lines of Avon Lake, which could be a logical location for a secondary water source. ALMU is in the process of determining the costs and hopes to begin work in the summer of 2015. Mrs. Fenderbosch, Chair of the Sewer Committee, stated that the Sewer Committee has been discussing a secondary water source and the two opportunities ALMU is negotiating. She further stated that ALMU wants a loop along with communities to the east, west, and south to provide an exchange of water. Mrs. Fenderbosch further stated that Avon Lake residents were at no time at risk for losing water this weekend. It was a slush issue that was resolved.

Mrs. Fenderbosch stated that some residents were notified by Avon's Code Red system of the water problem. She asked those residents to contact their Council representatives to track down why Avon Lake phone numbers were called through the Avon Police Department.

COUNCIL PRESIDENT'S REPORT

In observance of Martin Luther King Day, a rescheduled CCM will be held on Tuesday, January 20th and the next regular Council meeting will be held on January 26th.

PUBLIC WORKS DEPARTMENT REPORT

Republic Services had problems with several trucks. Residents whose trash and recycling was not collected should leave the trash and recycling cans out; Republic will send out more trucks.

The Avon Lake Public Works Department will continue to collect Christmas trees left on tree lawns.

LAW DEPARTMENT REPORT

The Law Department update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Shondel announced the Environmental Committee will meet January 14, 2015 at 6:00 P.M. in the Council Conference Room. At its January meeting, the EAAB voted unanimously to support the City's efforts to reduce the deer herd within Avon Lake.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported that an app is available from First Energy that allows customers to receive automated messages to stay informed on topics including restoration, notification of expected outages, severe weather alerts, billing reminders, and meter reading schedules. Emergency weather information is available by signing up for Code Red; information is on the Avon Lake website.

The next meeting of the Public Utilities Committee is scheduled for January 22, 2014 at 6:00 P.M. in the Council Conference Room.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the results of the January 8, 2015 Sewer Committee meeting. The next meeting of the Sewer Committee is scheduled for February 12, 2015 at 6:30 P.M. in the Public Works Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

A Work Session will be held before the Collective Committee meeting on January 20, 2015. Members of the West End Redevelopment Commission will give a report on their work and will also give their report at a public meeting which will be held at the Avon Lake Public Library on January 21, 2015 at 7:00 P.M.

MOTIONS

Mr. Kos moved to instruct 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 liquor

license transfer at 32457 Lake Road. The Police Chief has no objections to the transfer.

Yes: O'Donnell, Meiners, Shondel, Bucci, Fenderbosch, James, Kos
No: None
Motion carried.

LEGISLATION

Second Readings:

Temporary Legislation #10426, AN ORDINANCE TO REZONE PROPERTY ON THE SOUTH SIDE OF WEBBER ROAD, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos
No: Meiners
Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10426. The proposed rezoning encompasses 13.81 acres and is owned by ABK Ltd. This item was discussed at the Public Hearing held earlier in the meeting.

Yes: O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos
No: Meiners
Motion carried.

Ordinance No. 2-2015 adopted.

Temporary Legislation #10427, AN ORDINANCE TO REZONE PROPERTY ON THE SOUTH SIDE WEBBER ROAD, AND DECLARING AN EMERGENCY was read by title only.

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

Yes: O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos
No: Meiners
Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10427. The proposed rezoning encompasses 9.46 acres owned by Pin Oak Holdings. The property is located to the west of the previous rezoning discussed and to the east of Weiss Field. This item was discussed in the Public Hearing held earlier in the meeting. Mrs. Fenderbosch explained that this ordinance does not deal with the improvement plan, but only deals with the rezoning of the property. There are

various steps that will have to be taken for development of the property. Throughout discussions, there was agreement that Webber Road would have to be widened and curbs, gutters, and sidewalks will have to be installed. The developer has installed improvements for all his projects down Webber Road. There was discussion about a traffic light being installed at the corner of Route 83 and Webber Road, which is estimated to cost \$150,000. The road improvement cost is estimated to cost \$1.5 million. The developer has agreed that he would assist with his portion of the improvements.

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

No: Meiners

Motion carried.

Ordinance No. 3-2015 adopted

Temporary Legislation #10434, AN ORDINANCE CONFIRMING THE APPOINTMENT OF LYNDA GIENKE TO THE POSITION OF SECRETARY TO THE MAYOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10434. This confirms the appointment of Lynda Gienke to the position of Mayor's Secretary for the period of February 2, 2015 through December 31, 2015 which is the remainder of the Mayor's term of office. Mr. Bucci stated that he generally doesn't support the practice of rehiring someone who has retired, but is making an exception in this case understanding the importance of confidentiality between the Mayor and his secretary. The Mayor should have the ability to choose whoever he wants to serve in the position.

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

No: James

Motion carried.

Temporary Legislation #10435, AN ORDINANCE ESTABLISHING THE SALARIES OF THE MEMBERS OF THE BOARD OF MUNICIPAL UTILITIES OF THE CITY OF AVON LAKE, OHIO FOR THE PERIOD COMMENCING JANUARY 1, 2016 AND THEREAFTER UNLESS MODIFIED BY ACTION OF COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL CHARTER, was read by title only.

The salaries of the Board of Municipal Utilities members will be adjusted to \$7,200 per year and to \$8,200 per year for the Chair of the Board. It has been many years

since the salaries of the Board members have been adjusted and the Board members have taken on increased duties as the utility has expanded.

Temporary Legislation #10437R, AN ORDINANCE CHANGING THE WAGE RATE OF CERTAIN COURT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

The Judge of the Municipal Court desires to grant wage increases of certain Court personnel. This will put the Court personnel on the same schedule as the rest of the City employees.

Temporary Legislation #10438, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 260.16, ENTITLED USE OF CITY VEHICLES BY CITY EMPLOYEES, AND DECLARING AN EMERGENCY, was read by title only.

This is a companion ordinance to the ordinance adjusting the Mayor's salary. This amendment will eliminate the monthly car allowance for the Mayor. Currently the Mayor receives a salary of \$82,000 per year and a monthly car allowance of \$675.

First Readings:

Temporary Legislation #10442, AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR STEVE PRESLEY, AND DECLARING AN EMERGENCY, was read by title only.

The duties of Contract Administrator have been reassigned to the Finance Director. This ordinance will authorize a salary increase of \$5000 for the Finance Director for assuming the additional duties.

Temporary Legislation #10443. A RESOLUTION IMPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

The property owner at 31762 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. This construction is for shore protection and does not include a pier. The City has no interest in the property.

Temporary Legislation #10444, AN ORDINANCE AUTHORIZING THE LEASING OF ASSEMBLY HALL AT VETERANS MEMORIAL PARK TO THE AVON LAKE LANDMARK PRESERVATION SOCIETY, AND DECLARING AN EMERGENCY, was read by title only.

The lease has expired and the organization has been in negotiations with the Mayor for a new lease. The Law Director has reviewed the lease and is satisfied with the terms.

Temporary Legislation #10445, AN ORDINANCE APPROVING THE PRELIMINARY PLAN FOR ALTEN SUBDIVISION, was read by title only.

The preliminary plan will create seven buildable lots on 4.09 acres of land on the north side of Krebs Road. The Zoning Board of Appeals granted the following four variances: a 35 foot front building setback; a 25 foot front building setback; a 37.4 front building setback; and allowing an existing building to remain in a front yard that will be created by the proposed street for the life of the structure. Mrs. Fenderbosch referred to a projected map and explained the proposal for the subdivision.

Temporary Legislation #10446, AN ORDINANCE AMENDING SECTIONS 1218.02, 1218.03, 1218.04, AND 1218.05 OF THE CODIFIED ORDINANCES, AND ADDING SECTION 1218.06 TO THE CODIFIED ORDINANCES TO CLARIFY THE ZONING AMENDMENTS PROCEDURE, was read by title only.

This will clarify the procedure for amendments to the Planning & Zoning Code and resolve any code conflicts.

Temporary Legislation #10447, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 452.04 (k) (2), CHAPTER 452.15 (b), and Chapter 454.10, was read by title only.

The Safety Committee reviewed these proposed amendments at the request of the Assistant Law Director and the Police Chief to bring the Avon Lake ordinances in line with the Ohio Revised Code regarding disabled parking locations and penalties.

Temporary Legislation #10448, AN ORDINANCE APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10448. This ordinance confirms the appointment of Mary K. Murray to the position of part-time Deputy Clerk in the Municipal Court at a rate of \$15.00 per hour.

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

No: None

Motion carried.

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Temporary Legislation #10449, AN ORDINANCE APPROVING THE APPOINTMENT OF A SECURITY OFFICER IN THE MUNICIPAL COURT ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This will confirm the appointment of Jordan Stephenson as a part-time Court Security Officer and set his salary at \$20.00 per hour.

Temporary Legislation #10450, AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION FOR THE POSITIONS OF DEPUTY BAILIFF AND SECURITY OFFICER IN THE AVON LAKE MUNICIPAL COURT, AND DECLARING AN EMERGENCY, was read by title only.

The salary of the Deputy Bailiff will be set at \$20.99 per hour and the salary of the Security Officer will be set at \$20.00 per hour. These are part-time positions.

Temporary Legislation #10451, AN ORDINANCE REPEALING ORDINANCE NO. 47-2011, AND DECLARING AN EMERGENCY, was read by title only.

This will repeal the ordinance appointing Joseph Reitz to the position of Contract Administrator since the duties of that position have been reassigned to the Finance Director.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:15 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council