

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 23, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on November 23, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. O'Donnell led the Council, staff, and public in the Pledge of Allegiance.

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

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

**AWARD PRESENTATION**

Aubrey Kirk, fourth grader at St. Joseph School, was the winner of the Environmental Affairs Advisory Board's poster contest. Mayor Zilka presented a Certificate of Recognition and Erica Larson, Chair of the Environmental Affairs Advisory Board, presented the prize to Aubrey. "Why it is Important to Keep Lake Erie Clean" was the poster contest theme.

**CORRESPONDENCE**

The following letters were received.

James Gamellia requesting suspension of the rule requiring three readings and emergency passage at the first reading for permission to build prior to final plat approval.

Todd Danielson requesting emergency passage and suspension of the rule requiring three readings at the second reading for approval of a conditional use permit for the water tank project

Mark Bennet of Bennet Builders requesting suspension of the rule requiring three readings and emergency passage at the first reading for approval of the improvement plans for Alten subdivision.

Cody Bruce of Hovnanian Homes requesting suspension of the rule requiring three readings at the second reading for plat approval for Rebecca Lane.

Jeff Coughlin submitted his letter of resignation from the Civil Service Commission effective November 9, 2015.

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Ron Hoerig submitted his letter of resignation from the Public Works Department effective November 30, 2015.

### **MAYOR'S REPORT**

“Shop Local” will be held November 28<sup>th</sup>. Eighteen local businesses will participate in the event.

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

November 30<sup>th</sup> is the fifth Monday of the month and no Council meeting is scheduled. The next Collective Committee meeting is scheduled for December 7<sup>th</sup> and the next regular Council meeting is scheduled December 14<sup>th</sup>.

There are vacancies on the following boards/commissions: Planning Commission, Zoning Board of Appeals, Cable Advisory Commission, Historical Preservation Commission, Community Reinvestment Area Housing Council, Community Improvement Corporation, and the Affirmative Action Committee. Interested residents should send a resume and letter of interest to the Clerk of Council at 150 Avon Belden Road or by e-mail to [bdopp@avonlake.org](mailto:bdopp@avonlake.org).

### **PUBLIC WORKS DIRECTOR REPORT**

The Public Works Department weekly update was distributed.

Leaf pick-up continues with six trucks on the road; leaves will be picked-up well into December. Branch pick-up will resume next week.

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

The Law Department litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

This is the time of high deer activity. Residents are reminded to be especially watchful at dawn and dusk and drive cautiously and alertly using high beams when possible. Deer accidents should be reported to the Avon Lake Police at 933-4567.

### **HUMAN RESOURCES COMMITTEE REPORT**

The Human Resources Committee is scheduled to meet December 7, 2015 at 6:00 P.M.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported on the Public Service Committee meeting held November 23, 2015.

## **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the items discussed at the joint meeting between the Public Service and Sewer Committees held November 23, 2015.

The Sewer Committee is scheduled to meet December 10, 2015 at 6:30 P.M.

## **PLANNING COMMISSION**

Mrs. Fenderbosch presented the improvement plans for the Alten Subdivision which were not presented at the Collective Committee meeting. The improvement plans show where and how the lots will be subdivided into parcels and also show the location of the detention basin area and identifies the direction of the flow of water.

## **PARKS & RECREATION COMMISSION REPORT**

The December meeting of the Parks & Recreation Commission has been cancelled.

## **HISTORICAL LANDMARK PRESERVATION COMMISSION**

The December 13, 2015 dedication ceremony of the Anson Titus Home has been rescheduled until the spring of 2016.

## **MOTIONS**

Mr. Bucci moved to accept the resignation of Jeff Coughlin from the Civil Service Commission effective November 9, 2015. Mr. Coughlin moved out of Avon Lake and is no longer eligible to serve on the Commission.

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

No: None

Absent: Meiners

Motion carried.

Mr. Bucci moved to accept the resignation of Ron Hoerig from the Public Works Department effective November 30, 2015. Mr. Hoerig is moving out of the area.

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

No: None

Absent: Meiners

Motion carried.

Mr. Shondel moved to authorize the Mayor to sign and forward to the Ohio Department of Natural Resources, Division of Wildlife, the Deer Management Proposal Request for the City of Avon Lake for 2015/2016. The Environmental Committee approved the proposal with the full support of Mayor Zilka, Chief Streator, and Public Works Director Reitz. It is similar in form to the proposal request filed in March of 2015 to conduct sharpshooter culling at Weiss Field. This

new proposal is for four separate City owned or controlled properties with a request for a total of 80 tags compared to 30 tags last March, of which only 19 were filled.

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

No: None

Absent: Meiners

Motion carried.

## **LEGISLATION**

### Second Reading:

Temporary Legislation #10584, A RESOLUTION SUPPORTING A REGIONAL PLAN TO IMPROVE THE CONNECTIVITY OF LAKEFRONT COMMUNITIES IN LORAIN COUNTY, AND DECLARING AN EMERGENCY, was read by title only.

This Resolution will support an effort by the Lorain County Board of Commissioners to partner with NOACA for lakefront planning to include all lakefront communities across Lorain County.

### First Readings:

Temporary Legislation #10587, AN ORDINANCE APPROVING THE FINAL PLAT FOR REBECCA LANE, PLANNED UNIT DEVELOPMENT, AND DECLARING AN EMERGENCY, was read by title only.

Planning Commission approved the final plat at the November meeting. The final plat complies with the subdivision requirements and includes 57 single family lots. All inspections and engineering fees have been paid and all improvements have been installed.

Temporary Legislation #10588, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR AN ELEVATED STORAGE TANK AND PUMPING STATION, AND DECLARING AN EMERGENCY, was read by title only.

Planning Commission approved this item at the November meeting. The 3 million gallon elevated storage tank and pumping station will be located approximately 400 feet back from Walker Road on the north side between Avondale and Miller Road. The project will take up to two years to complete.

Temporary Legislation #10589, AN ORDINANCE APPROVING A REVISION TO THE IMPROVEMENT/PRELIMINARY PLAN FOR ARRINGTON VILLAGE, AND DECLARING AN EMERGENCY, was read by title.

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

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

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No: None  
Absent: Meiners  
Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10589. Planning Commission approved this item at the November meeting. The builder requested a waiver to Planning & Zoning Code Section 1216.07 to permit construction to begin prior to the improvements being completed. The developer has agreed to take full responsibility for any utility issues. He is asking for the waiver because First Energy is not able to install the utilities until March which would considerably delay the construction of homes.

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

**Ordinance No. 148-2015 adopted.**

Temporary Legislation #10590, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, entitled GENERAL FEE SCHEDULE, 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: None  
Absent: Meiners  
Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10590. Codified Ordinance Section 1052.07 refers to a CALDP tap in fee set forth in Codified Ordinance Chapter 208. However the section which established the tap in fee was repealed. It is necessary to put the tap in fee back into the General Fee Schedule, Section 208.01 (f) (17). The Central Avon Lake Drainage Project (CALDP) tap in fee will be determined and adjusted yearly based on the Cleveland Construction Cost Index.

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

**Ordinance No. 149-2015 adopted.**

Temporary Legislation #10591, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR ALTEN SUBDIVISION, 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: None

Absent: Meiners

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10591. The Alten subdivision improvement plans were approved by Planning Commission at the November meeting. The subdivision consists of seven single family lots on Alten Drive. The final approval of the stormwater management plan by Bramhall Engineering is required prior to the start of construction.

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

No: None

Absent: Meiners

Motion carried.

**Ordinance No. 150-2015 adopted.**

Temporary Legislation #10592, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10592. The Finance Director determined certain transfers of funds are necessary for the immediate expenses of the City.

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

No: None

Absent: Meiners

Motion carried.

**Ordinance No. 151-2015 adopted.**

Temporary Legislation #10593, AN ORDINANCE ADOPTING THE INCOME TAX ORDINANCE, AND DECLARING AN EMERGENCY, was read by title only.

Senate Bill 5 requires municipalities to adopt a new income tax ordinance effective January 1, 2016 to provide for uniformity throughout the State of Ohio. The prior income tax ordinance will not be repealed because it will still be applicable for taxes filed prior to 2016. RITA has reviewed the proposed ordinance.

Temporary Legislation #10594, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2016, AND DECLARING AN EMERGENCY, was read by title only.

The appropriations for 2016 are based on budget meetings held by Council. The numbers are subject to revision after the December 5<sup>th</sup> budget meeting and the December meeting of the Board of Municipal Utilities. All budget meetings are open to the public.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The “Toys for Tots” program is underway. Toys can be dropped off at the following locations: Avon Lake City Hall, Ridge Cleaners, Avon Lake Public Library, Avon Lake Fire Department, Avon Lake Regional Water, Walgreens located at Walker Road, Avon Public Library, Avon City Hall, Avon Police Department, and the Avon Senior Center. The campaign will run through December 15<sup>th</sup>. Every toy collected in Avon Lake and Avon will be distributed to a family in Lorain County.

December 7<sup>th</sup> will be the 74<sup>th</sup> anniversary of the attack on Pearl Harbor. It is one of the five days that flags are flown at half-staff from sunrise to sunset. Anyone interested in receiving “Fly the Flag” alerts should contact John Shondel at osujohn@mac.com.

**ADJOURNMENT**

Mrs. Fenderbosch Meiners moved for adjournment.

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

No: None

Absent: Meiners

Motion carried.

Adjournment: 8:15 P.M.

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

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