

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 28, 2015**

The regular meeting of the Avon Lake Municipal Council was called to order on September 28, 2015 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Bucci led the Council, staff, and public in the Pledge of Allegiance.

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

PUBLIC HEARINGS

A Public Hearing upon an amendment to Planning & Zoning Code Section 1217.04 was called to order at 7:34 P.M. This amendment will clarify conditional use designations. There are several conditional use areas that have not been designated as such since the regulations came into effect in 1999. The proposed revision designates that those uses in existence before 1999 will automatically be granted a conditional use permit to include all schools, churches, and city parks.

A Public Hearing upon an amendment to Planning & Zoning Code Section 1212.03, 1244.02, 1246.02, 1250.03, and 1250.04 was called to order at 7:37 P.M. Self-service storage facilities will be clearly defined and regulations will be established by the amendments. It will not be permitted to live in the facilities and the Fire Department will have access three times a year to inspect for compliance.

PROCLAMATION

Mayor Zilka presented a Proclamation to Ryan Sartoski who came to the aid of a motorcyclist who was involved in an accident.

MAYOR'S REPORT

The Mayor contacted the regional Government Accounts Representative for Verizon Wireless regarding reports of poor cell phone reception. The Verizon representative will meet with City officials to discuss service issues.

The Fishing Derby was held on September 26th with 100 participants. The Recreation Director is preparing a third quarter report which will include the pool and other summer activities.

As part of the Homecoming celebration, the annual Rotary pizza competition will be held on October 1st at 5:00 P.M. in the High School cafeteria. The Homecoming

September 28, 2015 Council Meeting Minutes

game will take place October 2nd and the annual parade will begin at 10:30 A.M. on October 3rd.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for October 5th. In observance of Columbus Day, no Council meeting will be held on October 12th. A rescheduled Council meeting will be held on Tuesday, October 13th.

PUBLIC WORKS DIRECTOR REPORT

The weekly update was distributed. The street program is being completed on Firestone, Country Club, and Wedgewood. The project is being completed just below budget. There are no funds available for the ad alternate streets; they will be considered as priority streets in 2016.

LAW DIRECTOR'S REPORT

The Law Department litigation update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet September 30, 2015 at 6:00 P.M. in the Council Conference Room.

There are two vacancies on the Environmental Affairs Advisory Board. Interested residents should send a resume and letter of interest to the Clerk of Council. There are many environmental issues that affect the City including deer management and storm water runoff and its effect on Lake Erie. The Environmental Affairs Advisory Board is sponsoring a poster contest for all Avon Lake school children in first through fourth grades. The theme is "Why is it Important to Keep Lake Erie Clean". Posters are due in City Hall by October 30th at 4:30 P.M.

NRG contacted the Mayor about the possibility of building structures at the west end of the power plant to enable them to clean up coal which they will continue to burn beyond the original April 15th deadline.

FINANCE COMMITTEE REPORT

Mr. Meiners reported on the items discussed at the September 21st Finance Committee meeting.

HUMAN RESOURCES COMMITTEE REPORT

The Human Resources Committee is scheduled to meet on October 5, 2015 at 6:15 P.M. in the Council Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported on the items discussed at the Public Service Committee meeting held September 28, 2015.

SAFETY COMMITTEE

Mr. Kos reported on the items discussed at the September 24, 2015 Safety Committee meeting.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet on October 8, 2015 at 6:30 P.M. in the Public Works Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. Bucci stated that he is recommending Steve Luca to fill one of the vacancies on the Community Improvement Corporation. The Community Improvement Corporation will present its business plan competition at a Work Session on October 5, 2015.

MOTIONS

Mrs. Fenderbosch moved to authorize the Mayor to enter into a contract in the amount of \$14,000 with Jones & Henry Engineers, LTD. to analyze the capacity within the CALDP to determine the available storm water flow.

The study will determine if there is capacity above what the City of Avon is currently diverting to Avon Lake. The City of Avon will share in the total \$28,000 cost of the study.

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

No: None

Motion carried.

LEGISLATION

Mr. Meiners moved to add Temporary Legislation #10571 to the agenda, approving the transfer of funds.

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

No: None

Motion carried.

Third Reading:

Temporary Legislation #10549, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01 (e) (16), ENTITLED LAKE HOUSE AND REPEALING ORDINANCE NO. 90-2015, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #10549. City Council approved a new fee schedule for Lake House rentals since alcohol will be permitted with rental of the facility. The incorrect fee schedule was incorporated into the legislation. The Recreation Director has since proposed a new fee schedule that he feels is a better schedule.

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

No: None

Motion carried.

Ordinance No. 121-2015 adopted.

Second Readings:

Temporary Legislation #10547, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1217.04 REGARDING CONDITIONAL USE PERMITS, AND DECLARING AN EMERGENCY, was read by title only.

This ordinance will be passed as an emergency to clearly establish procedures for granting conditional use permits in all instances to ensure the appropriate use of land and maintain the integrity of the Planning & Zoning Code.

Temporary Legislation #10548, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1212.03, 1244.02, 1246.02, 1250.03, AND 1250.04 REGARDING SELF-SERVICE STORAGE FACILITIES, AND DECLARING AN EMERGENCY, was read by title.

This ordinance will update the requirements for self- service storage facilities. These facilities will be considered conditional uses. The amendments will define the size of the units and the permitted uses.

Temporary Legislation #10551R, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES WITH THE ADDITIONS OF SECTION 618.17 – NUISANCE, DANGEROUS, AND VICIOUS DOGS – DEFINITIONS AND TRANSFER OF OWNERSHIP, SECTION 618.18 – DESIGNATION OF NUISANCE, DANGEROUS, AND VICIOUS DOGS, SECTION 618.19 – IMPOUNDMENT OF A DOG FOR PUBLIC SAFETY, SECTION 618.20 – CONFINING, RESTRAINING, DEBARKING NUISANCE, DANGEROUS, AND VICIOUS DOGS, was read by title only.

Since the first reading of the proposed legislation, the law firm of Muirden and Holland was retained to make recommendations and revise the original ordinance to be in compliance with the Ohio Revised Code. Section 618.20 defines the requirements for fences, leashes, signage, and insurance. A section was added

September 28, 2015 Council Meeting Minutes

requiring consent for the property to be inspected to ensure the owners are complying with the ordinance. Mrs. Fenderbosch stated that the Zoning Administrator had some concerns regarding fencing and signage.

Temporary Legislation #10560, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 2-2003, AND DECLARING AN EMERGENCY, was read by title only.

The Fire Chief recommended an amended job description for the Secretary in the Fire Department to clearly define the expanded duties of the position.

Temporary Legislation #10561, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SECRETARY IN THE POLICE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 58-2002, AND DECLARING AN EMERGENCY, was read by title only.

The Police Chief recommended an amended job description for the Police Department Secretary to clearly define the expanded duties of the position.

Temporary Legislation #10562, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF SUZANNE BLISS, FIRE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY, was read by title only.

The Fire Chief recommended a salary adjustment for the Fire Department Secretary commensurate with the new job description. The new rate of pay will be \$22.50 per hour.

Temporary Legislation #10563, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE ADJUSTING THE WAGE RATE OF RACHEL BURSON, POLICE DEPARTMENT SECRETARY, AND DECLARING AN EMERGENCY, was read by title only.

The Police Chief recommended a salary adjustment for the Police Department Secretary commensurate with the new job description. The new rate of pay will be \$20.60 per hour.

Temporary Legislation #10565, AN ORDINANCE ADOPTING A FIXED GUIDELINE FOR HIRING NEW FIREFIGHTER/PARAMEDICS, AND DECLARING AN EMERGENCY, was read by title only.

Currently there is no policy for establishing pay rates for new Firefighters who are hired with previous experience in a Fire Department. Chief Huerner has developed

the following policy for establishing pay steps for new hires: No experience to 1 year – Step I; more than 1 year to 5 years – Step II; more than 5 years – Step III.

First Readings:

Temporary Legislation #10568, AN ORDINANCE DESIGNATING THE ANSON TITUS HOUSE LOCATED AT 33350 LAKE ROAD AS A HISTORIC LANDMARK.

At the June 2, 2015 meeting, Planning Commission recommended the historic designation of the Anson Titus House. The house was formerly located on Indian Trail which was north of the existing Lake Road. The house is in the style of Greek Revival architecture and was built in the 1830's. Seven generations have lived in the house.

Temporary Legislation #10569, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2015, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10569. The Finance Director determined certain supplemental appropriations are needed for the refinancing of three bonds. An additional \$50,000 will be added to the Law Department budget for outside litigation fees.

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

No: None

Motion carried.

Ordinance No. 122-2015 adopted.

Temporary Legislation #10570, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES BY AMENDING 618.01 – DOGS AND OTHER ANIMALS RUNNING AT LARGE, AND WITH THE ADDITION OF SECTION 618.21 – POTENTIAL NUISANCE DOG CLASSIFICATIONS, SECTION 618.22 – CONTROL OF POTENTIAL NUISANCE DOGS, SECTION 618.23 – DECLASSIFICATION OF DOGS, SECTION 618.24 – DOGS CLASSIFIED BY ANOTHER JURISDICTION, SECTION 618.25 – DANGEROUS AND VICIOUS DOG OWNERSHIP RESTRICTIONS, AND SECTION 618.26 – EXEMPTIONS.

Section 618.01 removes “dogs” from the Section; dogs and cats will be treated as two different discussion points. Language has been added regarding keeping a dog

September 28, 2015 Council Meeting Minutes

physically restrained by a leash along with the requirement of a leash being six feet in length. Penalties have also been added for dog bites.

Section 618.21 provides a mechanism to deal with a potential nuisance dog pre-incident. A dog classification will be created that is not in conflict with Ohio Revised Code and will be based on specific behavior exhibited by a dog.

Section 618.22 deals with the control of a potential nuisance dog. The requirements for the restraint of a potential nuisance dog are similar to those of nuisance, dangerous, and vicious dog requirements. It defines how the dog will be secured on and off premises, signage, color of the leash or restraint, notification to veterinarians and groomers, muzzling, vaccination, spaying or neutering, microchipping, and insurance.

Section 618.23 defines the declassification process. There will be a series of steps for dogs to be declassified if no further offenses have occurred over a period of time. There will be no declassification process for a dangerous or vicious dog.

Section 618.24 sets the requirements for owners who have a dog that was classified by another jurisdiction.

Section 618.25 states that no person shall be permitted to own more than one dangerous or vicious dog.

Section 618.26 defines the exemptions that are permitted by Ohio Revised Code.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Tours of the Avon Lake Cemetery will be conducted October 22, 23, and 24th. Tickets are available from the Avon Lake Historical Society.

October 4, 2015 is the National Fly the Flag at Half Staff Day in memory of firefighters who have lost their lives in the line of duty. A memorial ceremony will be held at the Avon Lake Fire Department at 9:00 A.M. on October 5th. Anyone interested in received half-staff flag alerts should contact Mr. Shondel at osujohn@mac.com.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:00 P.M.

September 28, 2015 Council Meeting Minutes

Approved: _____
Council President

Attest: _____
Clerk of Council