

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
MARCH 14, 2016**

The regular meeting of the Avon Lake Municipal Council was called to order on March 14, 2016 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, 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.

**APPROVAL OF MINUTES**

The minutes of the February 22, 2016 Regular Council Meeting were approved as amended.

**PUBLIC HEARING**

A Public Hearing was called to order upon an amendment to the Planning & Zoning Code with the addition of Section 1260.10 regarding farmers markets. Farmers markets will be permitted from 9:00 A.M. until 8:00 P.M. from April through October. Licenses will be required. The approval process will go through the Zoning Administrator. The coordinator of the farmers market will be responsible for providing a list of vendors, their contact numbers, a list of goods to be sold, dates the markets are to be held, and required licenses.

Mr. Kos pointed out that a bill has been introduced in the State Legislature that may allow wine to be sold at farmers markets. He asked how that would affect the Avon Lake Code. Mrs. Fenderbosch referred to the definitions section which lists the types of products permitted for sale. Wine would fall under "cottage food production operation" and proper licensure would have to be presented and submitted to the Zoning Administrator. Law Director Lieberman stated that, in his opinion, the definition is broad enough to include wine as long as it complies with State law.

**MAYOR'S REPORT**

Mayor Zilka read a letter of resignation from Janine Makert, Business Liaison. Her last day will be May 1, 2016.

**COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for March 21<sup>st</sup> and the next Council meeting is scheduled for March 28<sup>th</sup>.

## **PUBLIC WORKS DIRECTOR'S REPORT**

The Public Works Department weekly update was distributed.

Due to the mild winter, a summer fill contract for road salt will not be necessary. If the mild weather continues to the end of March, the salt barn will be full.

## **LAW DIRECTOR'S REPORT**

The Law Department litigation update was distributed.

## **ENVIRONMENTAL COMMITTEE REPORT**

Mr. Shondel reported on the Environmental Committee meeting held March 9, 2016.

The deer culling program has been successful. To date, sharpshooters have taken 61 deer and the City has donated 2600 pounds of ground venison to the Second Harvest Food Bank of Northcentral Ohio. In the month of February, the Public Works Department picked up four deer carcasses and one deer-vehicle accident was reported.

## **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on the joint meeting between the Finance Committee and Public Service Committee held March 14, 2016 regarding the health services contract. Several public meetings have been held regarding the future of health services in Avon Lake. Avon Lake has been under contract with the City of Lorain Health Department for health services. Due to financial constraints, the Cities of Lorain and Elyria will no longer be able to maintain their Health Departments. Mayor Zilka has been negotiating with the Lorain County General Health District for health services. Legislation is on the agenda for first reading with the final reading and vote scheduled for April 11<sup>th</sup>. A Work Session will be held April 4, 2016 with Mr. Covell from the Lorain County General Health District. Joining the County District will result in a property tax increase.

Mayor Zilka stated that he and the Finance Director have met with the Cities of Lorain and Elyria regarding the financing their Health Departments. Both cities have experienced a loss of revenue. By December it became obvious that the City of Lorain was not going to be able to continue with its health services. The City of Elyria will decide in the next couple of weeks if they will be able to keep their Health Department open. The new State accreditation requirements are making it difficult for local health departments to operate. For Avon Lake to develop its own health department and obtain accreditation would be extremely expensive and difficult to achieve. The County District and its Board have recommended that it would take a .5 mill levy to provide services to the Cities of Avon Lake, Elyria, Lorain, and the rest of the County. A .5 mill levy would be approximately \$15.00 per \$100,000 property value. If it is put on the ballot and the Avon Lake electorate votes against the tax, an

impossible situation will occur because Avon Lake will have no alternative for health services. It is within the responsibility of City Council to make the decision to join the Health District which will result in a tax increase.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Shondel reported on the Human Resources Committee meeting held March 7, 2016.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported on the Public Service Committee meeting held March 14, 2016.

### **SEWER COMMITTEE REPORT**

Mrs. Fenderbosch reported on the Sewer Committee meeting held March 14, 2016.

### **AUDIENCE PARTICIPATION**

Curtis Weems, 350 Greenbriar Drive, expressed his opposition to the tax increase for joining the Lorain County Health District without putting the proposed increase on the ballot for the voters to decide.

Loretta Vass, 648 Bridgeside Drive, asked for clarification on selling wine at a farmers market. Mrs. Fenderbosch explained that if wine is to be consumed, it would need a special event permit.

### **MOTIONS**

Mr. James moved to authorize improvements at the Folger Home. The renovations are being conducted by the Landmark Preservation Society and partly financed through State funding. The office and storage area on the first floor will be removed, the porch will be rebuilt, a new deck across the north side will be installed, and interior renovations will be completed.

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

No: None

Motion carried.

Mr. James moved to authorize a contract with Weed Pro Ltd. for an amount not to exceed \$11,000 for fertilization of Weiss Field and Walker Road Park. Weed Pro submitted the lowest and best bid for the project. The City of Bay Village will share the cost for Walker Road Park.

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

No: None

Motion carried.

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Mr. James moved to authorize an in-kind grant to the Avon Lake Saddle Club. The club will use Weiss Field for their events.

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

No: None

Motion carried.

Mr. James moved to authorize an in-kind grant to the Avon Lake Youth Baseball Federation for use and maintenance of the fields.

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

No: None

Motion carried.

Mr. James moved to authorize a \$1000 sports affiliate grant to the Avon Lake Lacrosse Club.

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

No: None

Motion carried.

Mr. James moved to authorize a \$15,000 sports affiliate grant to the Avon Lake Soccer Organization.

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

No: None

Motion carried.

Mr. James moved to authorize a \$3000 sports affiliate grant to the Avon Lake Swim Team.

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

No: None

Motion carried.

Mr. James moved to authorize a \$1000 sports affiliate grant to the Avon Lake Wrestling Club.

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

No: None

Motion carried.

The sports affiliate grants were all approved and recommended by the Parks & Recreation Commission.

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Mr. James moved to confirm the Mayor's appointment of Kara Erdman as the Ward II representative to the Parks & Recreation Commission for a term expiring December 31, 2016. Mayor Zilka reviewed Mrs. Erdman's resume.

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

No: None

Motion carried.

Mr. Shondel moved to accept the resignation of Randy Bowling from the Environmental Affairs Advisory Board.

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

No: None

Motion carried.

Mr. James moved to appoint Terry Wyrock to the Environmental Affairs Advisory Board for a term expiring December 31, 2017.

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

No: None

Motion carried.

Mr. Shondel moved to authorize the Mayor to sign a MOU and other documents for the City of Avon Lake to join the Lake Erie Allegheny Partnership (LEAP) and to adopt the Position Statement on White-Tailed Deer Management. The position statement is in concert with the Avon Lake Deer Management Plan.

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

No: None

Motion carried.

**LEGISLATION**

Mr. James moved to add Temporary Legislation #10649 relating to the 2016 asphalt street program to the agenda.

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

No: None

Motion carried.

Mr. James moved to add Temporary Legislation #10650 relating to a contract for Folger Home Improvements to the agenda.

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

No: None

Motion carried.

Third Readings:

Temporary Legislation #10631, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ECONOMIC DEVELOPMENT DIRECTOR FOR THE CITY OF AVON LAKE, 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 #10631. The Economic Development Committee recommended the creation of a full-time Economic Development Director position which was approved by Council. The Economic Development Director will be appointed by the Mayor and will report directly to the Mayor. The job description for the position was reviewed and recommended to Council at a joint meeting between the Human Resources Committee and the Economic Development Committee.

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

No: None

Motion carried.

**Ordinance No. 28-2016 adopted.**

Temporary Legislation #10633, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 840.04 (d), AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #10633. The amendment will modify the definition of sunset to mean the time provided by the Astronomical Applications Department of the U.S. Naval Observatory.

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

No: None

Motion carried.

**Ordinance No. 29-2016 adopted.**

Second Reading:

Temporary Legislation #10631, AN ORDINANCE AMENDING THE PLANNING & ZONING CODE WITH THE ADDITION OF SECTION 1260.10, AND DECLARING AN EMERGENCY, was read by title only.

This amendment defines and sets the regulations and the approval process for farmers markets. The required public hearing was held earlier in the meeting.

First Readings:

Temporary Legislation #10641, AN ORDINANCE AWARDING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10641. The contract will be awarded to NGW Dock and Dredge of Sheffield Lake in an amount not to exceed \$44,875.00. This is an annual activity to maintain the boat launch.

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

No: None

Motion carried.

**Ordinance No. 30-2016 adopted.**

Temporary Legislation #10642, AN ORDINANCE APPROVING THE GENERAL DEVELOPMENT PLAN FOR PORT WEST P.U.D., was read by title only.

Planning Commission approved and recommended the general development plan for Port West. The subdivision is located on Walker Road, west of the Safety Center.

Temporary Legislation #10643, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR ARRINGTON VILLAGE, was read by title only.

Planning Commission approved and recommended the improvement plans for Arrington Village. The subdivision is located on Webber Road, east of Weiss Field.

Temporary Legislation #10644, AN ORDINANCE AMENDING ORDINANCE NO. 104-2015, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shondel moved for passage of Temporary Legislation #10644. The Human Resources Committee recommended an amendment to Ordinance No. 104-2015 to add the Cable Production Coordinator to the list of full-time, non-bargaining unit employees who will receive 2% salary increases effective July 1, 2016.

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

No: None

Motion carried.

**Ordinance No. 31-2015 adopted.**

Temporary Legislation #10645, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE LORAIN COUNTY GENERAL HEALTH DISTRICT TO PROVIDE HEALTH SERVICES TO THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

The City of Lorain will no longer be able to provide health services to the City of Avon Lake. The Mayor has recommended joining the Lorain County General Health District. A Work Session will be held April 4<sup>th</sup> with Mr. Covell of the Health District.

Mr. James stated that he has concerns with the mechanism by which the City is entering into an agreement with the Health District. It will authorize an unelected entity to levy a real estate tax on the residents of Avon Lake. Mr. James further stated that he supports a direct involvement of the residents by placing the issue on the ballot. Mr. James stated that he is also concerned about proper representation on the Health District Board should Avon Lake join the District.

Mrs. Fenderbosch pointed out that Avon Lake is not currently a member of the County Health District, and therefore, cannot vote upon acceptance into the Health District. The City of Lorain has indicated that they would become a member of the Health District and the City of Elyria will make the decision by April 1<sup>st</sup>. If the Board accepts Avon Lake as a member, the millage will be decided by the Board. As far as representation, it was suggested by the Health District that Avon Lake join with Sheffield Lake and Avon to have one representative for the three communities.

Temporary Legislation #10646, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10646. The Finance Director determined certain transfers are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 32-2016 adopted.**

Temporary Legislation #10647, AN ORDINANCE AMENDING PLANNING & ZONING CODE SECTION 1240.06 (d) (8), ACCESSORY USE REGULATIONS, was read by title only.

Planning Commission approved and recommended an amendment to the Planning & Zoning Code regarding fence regulations. The following exception to the fence code will be added. (E). "Where the side yard property line of one residential property is also the rear yard property line of another property, that portion of the fence in the side yard that abuts the adjoining property's rear yard and that is installed at such property line shall be permitted rear yard regulations". This will allow abutting fences to be the same height.

Temporary Legislation #10648, AN ORDINANCE AUTHORIZING AN AGREEMENT WITH COLDWATER CONSULTING LLC FOR PROFESSIONAL SERVICES FOR ECOLOGICAL RESTORATION, AND DECLARING AN EMERGENCY, was read by title only.

Coldwater Consulting will assist the City of Avon Lake with ecological restoration. They have been assisting the City of Lorain and have successfully authored over \$27 million in grant funds. The City of Avon Lake wishes to enter into an agreement with Coldwater Consulting to implement the Ecological Restoration Grant Program and additional grant writing and restoration design to restore the Lake Eire shoreline and Avon Lake tributaries.

Temporary Legislation #10649, AN ORDINANCE AWARDED A CONTRACT FOR THE 2016 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. James moved for passage of Temporary Legislation #10649. Precision Paving submitted the best and lowest bid for the 2016 asphalt street program. The contract shall not exceed \$456,837.04.

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

**Ordinance No. 33-2016 adopted.**

Temporary Legislation #10650, AN ORDINANCE AWARDED A CONTRACT FOR THE FOLGER HOME FOUNDATION IMPROVEMENTS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10650. Concrete & More submitted the lowest and best bid for the foundation repairs and improvements at the Folger Home. The contract shall not exceed \$26,100.80.

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

No: None

Motion carried.

**Ordinance No. 34-2016 adopted.**

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENT**

Mrs. Fenderbosch asked anyone interested in participating in the Memorial Day parade to contact her, Mr. Shondel, or Mr. Meiners.

### **PUBLIC INPUT**

Curtis Weems, 350 Greenbriar Drive, expressed is objection to joining the Lorain County General Health District and the tax increase.

Loretta Vass, 648 Bridgeside, asked why the City of Lorain will no longer provide health services. Mr. O'Donnell explained that due to various economic constraints, the City of Lorain can no longer afford to maintain a health department. He further explained that Avon Lake would need approximately \$500,000 to start its own health department, and then meet State accreditation requirements. He further explained that the State favors combined health districts and regionalization.

Steven Vass, 648 Bridgeside, commented on the Avon Lake aerial video on the Avon Lake website.

### **ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

**Adjournment: 9:15 P.M.**

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

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