

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
OCTOBER 11, 2016**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on October 11, 2016 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; Public Works Director Joe Reitz; Clerk of Council Barbara Dopp.

Absent: Finance Director Presley

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

**APPROVAL OF MINUTES**

The minutes of the Regular Council Meetings of September 12, 2016 and September 26, 2016 were approved as prepared and published.

**PUBLIC HEARING**

A Public Hearing upon the historical designation of the Satter Homestead located at 32295 Walker Road was called to order at 7:32 P.M.

Planning Commission recommended the historic designation at the August 2, 2016 meeting. The house, which dates back to 1874, is the third oldest home on Walker Road, and at one time served as a tavern, a dance hall, a store, and a private home.

Mrs. Kuenzel, the current owner of the home, thanked Council for considering the designation and gave a brief history of the renovations.

**CORRESPONDENCE**

Letters were received from the following:

Michael & Georgann Wachter requesting suspension of the rule requiring three readings and emergency passage of approval of the resubdivision plat for 33226 Bonnieview Drive.

Robert Ellis requesting suspension of the rule requiring three readings and emergency passage of approval of the conditional use permit for the Goddard School.

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Mark Bennett requesting suspension of the rule requiring three readings and emergency passage of approval of the final plat for Alten Subdivision.

### **MAYOR'S REPORT**

Issue 35 will be on the November ballot for the purpose of operation of individual, family, and community alcohol and drug addiction prevention, treatment, and recovery support services for Lorain County residents. The levy is a 5-year, 1.2 mill levy.

The Cleveland Clinic will host a program entitled, "Coffee with the Cops" on October 21<sup>st</sup> from 9:00 – 11:00 A.M.

Trick or Treat will be held October 31<sup>st</sup> from 6:00 – 7:30 P.M.

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

The next Collective Committee meeting is scheduled for October 17<sup>th</sup> and the next Regular Council Meeting is scheduled for October 24<sup>th</sup>. October 31<sup>st</sup> is the fifth Monday of the month and no Council meeting is scheduled.

Mrs. Cagley, Cable Studio Manager, is researching the purchase of a new projector for the Council Chamber. There have been continuous problems with presentations.

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

The Public Works Department weekly update was distributed.

Shred Day has been rescheduled to October 29<sup>th</sup> at Bleser Park from 9:00 A.M. until noon.

It is not permitted to put leaves in the street as they clog the sewers; leaves should be left on the tree lawn. The City has done extensive work to clean the catch basins.

Mayor Zilka contacted the agency responsible for placing Issue 35 signs in the right-of-way and asked that they be removed and placed in approved locations. Political signs are not permitted in the right-of-way.

The old metal playground equipment has been removed from Resatar Park and Inwood Park and will be replaced new equipment. The equipment at Sunset Park will be evaluated.

The sewer project on Walker Road should be completed within the next three weeks.

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

The Law Director's litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee will meet October 12, 2016 at 6:00 P.M. in the Council Conference Room.

Residents should report any coyote sightings to the Coyote Hotline at 440-930-4126. Twenty calls have been received since September 7<sup>th</sup> when the hotline was established. Information regarding coyotes is available on the Avon Lake website.

Residents with deer damage should contact Randy White, Lorain County Wildlife Officer, at 330-245-3032.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Shondel reported on the results of the Human Resources Committee meeting held October 3, 2016. The Human Resources Committee will hold a joint meeting with the Safety Committee on October 26, 2016 at 6:00 P.M. in the Public Works Conference Room. The next regular meeting of the Human Resources Committee is scheduled for November 7, 2016 at 6:00 P.M. in the Public Works Conference Room.

### **SAFETY COMMITTEE REPORT**

The Animal Control Officer position will be discussed at the October 26<sup>th</sup> joint meeting between the Safety Committee and Human Resources Committee. A regular Safety Committee meeting will follow the joint meeting; revisions to the dangerous dog ordinance and crosswalk safety will be discussed.

### **SEWER COMMITTEE REPORT**

The next meeting of the Sewer Committee is scheduled for October 13, 2016 at 6:30 P.M. in the Public Works Conference Room.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Bucci reported on the October 11, 2016 Economic Development Committee meeting.

### **PLANNING COMMISSION REPORT**

Mrs. Fenderbosch reported on the results of the October 4, 2016 Planning Commission meeting.

### **LEGISLATION**

Third Readings:

Temporary Legislation #10730R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.02, VACATIONS, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10730R. This and the next six ordinances all come under the general category of adding consistency to the ordinances to treat all non-bargaining unit and bargaining unit employees exactly the same. This amendment will allow all full-time employees to cash in up to ten days of unused vacation days per year.

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

No: None

Motion carried.

**Ordinance No. 128-2016 adopted.**

Temporary Legislation #10731R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.03, SICK LEAVE, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10731R. This amendment will bring consistency to the definition of immediate family, maternity leave, and the rules of cashing in unused sick leave.

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

No: None

Motion carried.

**Ordinance No. 129-2016 adopted.**

Temporary Legislation #10732R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.06, HOLIDAYS, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10732R. This amendment defines holidays for the Fire Department and Police Department shifts.

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

No: None

Motion carried.

**Ordinance No. 130-2016 adopted.**

Temporary Legislation #10733R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.07, UNIFORM ALLOWANCES, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10733R. This amendment will grant a \$600.00 annual uniform allowance to the Public Works Director to be consistent with the benefit provided to the bargaining unit employees.

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

No: None

Motion carried.

**Ordinance No. 131-2016 adopted.**

Temporary Legislation #10734R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.11, LONGEVITY COMPENSATION, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10734R. This amendment will increase the longevity pay by \$100 for each of the longevity pay categories for all non-bargaining unit employees to be consistent with the benefit provided to bargaining unit employees.

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

No: None

Motion carried.

**Ordinance No. 132-2016 adopted.**

Temporary Legislation #10735R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.15, EDUCATIONAL INCENTIVE COMPENSATION, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10735R. This amendment will increase the amount of educational incentive pay for the following degrees: Associates Degree - \$450.00 per year; Bachelor's Degree - \$500.00 per year; Master's Degree - \$750.00 per year; Doctorate Degree - \$1000.00 per year.

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

No: None

Motion carried.

**Ordinance No. 133-2016 adopted.**

Temporary Legislation #10736R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.21, REIMBURSEMENT OF CERTAIN RETIRED EMPLOYEES COST OF SPOUSE'S INSURANCE, was read by title only.

Mr. Shondel moved for passage of Temporary Legislation #10736R. This amendment will allow for payment of \$100 per month for the health care of a retired person's non-working spouse for up to 36 months.

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

No: None

Motion carried.

**Ordinance No. 134-2016 adopted.**

Second Readings:

Temporary Legislation #10724, AN ORDINANCE DESIGNATING THE SATTER HOMESTEAD LOCATED AT 32295 WALKER ROAD AS A HISTORICAL LANDMARK.

Planning Commission approved and recommended the historical landmark designation. The home dates back to 1874 and is the third oldest home on Walker Road.

Temporary Legislation #10748, AN ORDINANCE APPROVING A VACATION PLAT FOR AN ALLEY AS PART OF THE AVON LAKE HARBOR ESTATES ON THE EAST SIDE OF MILLER ROAD AND LAKE ROAD, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10748. Planning Commission recommended the vacation plat. The petition is for vacation of a portion of a 20 foot alley as part of the original Avon Lake Harbor Estates. There are no utility easements under the property to be vacated. The property will be converted into a parking lot for the Avon Lake Animal Hospital.

Mr. James asked if the property to be vacated is owned outright by the City or if it is owned in fee by a property owner with a right-of-way over the property. He further stated that in the past, a certain commercial value has been assigned to property to be vacated. Mr. James stated that he would like to maintain a sense of fairness as to how these issues are treated.

Mrs. Fenderbosch stated that other vacations have been granted to Dr. Haddad with no fees attached. Dr. Haddad presently owns property on both sides of the proposed vacation parcel and has been maintaining it.

Mr. Reitz stated that the property to be vacated is a fee simple right-of-way that was dedicated to the City when Avon Lake Harbor Estates was platted in the early 1930's. The remaining portion of the alley which extended to the east was previously vacated by the City approximately 10 years ago.

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

No: James

Motion carried.

**Ordinance No. 135-2016 adopted.**

Temporary Legislation #10749, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE AND THE AVON LAKE BOARD OF MUNICIPAL UTILITIES TO ENTER INTO AN AGREEMENT TO PURCHASE APPROXIMATELY THREE –QUARTERS ( $\frac{3}{4}$ ) OF AN ACRE OF LAND TO BE USED FOR A PUMPING STATION FOR THE ELYRIA EMERGENCY INTERCONNECTION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10749. The City of Avon Lake, the City of Elyria and the Rural Lorain County Water Authority will enter into an agreement to purchase the land at a total cost of \$40,000. Avon Lake will be responsible for \$16,000 of the purchase price. This project is a result of frazzle ice issues in past years.

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

No: None

Motion carried.

**Ordinance No. 136-2016 adopted.**

Temporary Legislation #10750, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Police Department wishes to donate unclaimed bicycles that have been confiscated or abandoned to the Ohio City Bicycle Co-Op.

First Readings:

Temporary Legislation #10752, AN ORDINANCE APPROVING THE PLAT FOR THE RESUBDIVISION OF A PORTION OF PROPERTY AT 33226 BONNIEVIEW DRIVE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10752. Planning Commission approved and recommended the resubdivision plat. The resubdivision will create a more unified division of ownership.

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

No: None

Motion carried.

**Ordinance No. 137-2016 adopted.**

Temporary Legislation #10753, AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY, was read by title only.

The Civil Service Commission recommended three rule changes. In Rule 9, the final scores of the passing written grade and the assessment center evaluation will be considered for seniority points; previously only the written score was considered. The change to Rule 15 will require a Paramedic to submit all certifications and documents no later than 14 days after the deadline for submission of application for the position. This will alleviate unnecessary administrative problems. Changes to Rule 17 are necessary to include the new position of Assistant Fire Chief and Captain.

Temporary Legislation #10754, 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: Bucci, Fenderbosch, James, Kos, Meiners, O'Donnell, Shondel

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10754. The Finance Director determined certain transfers are necessary for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 138-2016 adopted.**

Temporary Legislation #10755, A RESOLUTION IN SUPPORT OF ISSUE 35, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

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Mr. O'Donnell moved for passage of Temporary Legislation #10755. Issue 35 will appear on the ballot as a levy for the purpose of alcohol and drug addiction prevention, treatment, and recovery support services in Lorain County,

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

No: James

Motion carried.

**Resolution No. 139-2016 adopted.**

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Boo by the Woods/Trail of Haunted Tales will take place on October 15<sup>th</sup> at the Avon Lake Public Library and the Kopf Reservation at 6:00 P.M.

**ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:11 P.M.

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

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