The following business is to be considered at the regular meeting of the Avon Lake City Council on January 9, 2017 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

**Roll Call:** Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.

**Approval of Minutes:** December 12, 2016 and December 19, 2016 Council meetings as prepared and published.

**Public Hearing:** Upon the proposed rezoning of a portion of property located at 127 Miller Road and the recently vacated alley from R-1 to B-1 Limited Business.

**Correspondence**

**Reports**

- Mayor
- Council President
- Public Works Director
- Director of Law
- Director of Finance
- Standing Committees
- Special Committees

**Audience Participation**

**Motions**

Confirming the Mayor's reappointment of Kara Erdmann and Stacy Jantz to the Parks & Recreation Commission for terms expiring December 31, 2019 – R. James.
Confirming the Mayor’s reappointment of Jean Sekulic to the Citizens Tree Commission for a term expiring December 31, 2019 – R. James.

Confirming the Mayor’s reappointment of James Motz to the Zoning Board of Appeals for a term expiring December 31, 2021 – J. Fenderbosch.

Confirming the Mayor’s appointment of Nick Perry to the Cable Advisory Commission for a term expiring December 31, 2019 – D. Kos.

Confirming the Mayor’s reappointment of Cheryl Lister to the Historical Preservation Commission for a term expiring December 31, 2018 – D. Kos.

Legislation

Third Reading:

Temporary Legislation #10787, amending Codified Ordinance Section 208.01 (14) Pool Fees.

Second Readings:

Temporary Legislation #10769, rezoning a portion of 127 Miller Road and the recently vacated alley.

Temporary Legislation #10794R, authorizing entering into a water pollution control loan fund agreement.

Temporary Legislation #10795, declaring the necessity of installing sanitary sewers and/or storm laterals from certain lots to the sewer mains in the streets on which such lots abut, and requiring property owners of such lots to install same.

Temporary Legislation #10796, fixing the pay range of Executive Assistant for Avon Lake Regional Water.—

First Reading:

Temporary Legislation #10798, authorizing the Mayor to submit an application and enter into an agreement with ODNR to acquire funds for the Heider Creek Retaining Wall Project.—

Miscellaneous Business and Announcements

Public Input

Adjournment

—Suspension of the rule requiring three readings
ORDINANCE NO. _______

AN ORDINANCE AMENDING CODIFIED ORDINANCE
SECTION 208.01 (14), POOL FEES.

WHEREAS, the Parks & Recreation Commission and the Public Service Committee have recommended amending Codified Ordinance Section 208.01 (14), Pool Fees, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 208.01 (14) is hereby amended as follows.

<table>
<thead>
<tr>
<th>(14)</th>
<th>Pool fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>General admission for residents</td>
</tr>
<tr>
<td></td>
<td>Ages 3 through 17</td>
</tr>
<tr>
<td></td>
<td>Ages 18 through 59</td>
</tr>
<tr>
<td></td>
<td>Ages 60 years of age and over</td>
</tr>
<tr>
<td></td>
<td>Ages 2 years of age and under</td>
</tr>
<tr>
<td></td>
<td>Active duty armed forces personnel and Purple Heart recipients and their immediate families</td>
</tr>
<tr>
<td>B.</td>
<td>Guests accompanied by resident</td>
</tr>
<tr>
<td></td>
<td>Through 17 years of age</td>
</tr>
<tr>
<td></td>
<td>Ages 18 through 59</td>
</tr>
<tr>
<td></td>
<td>60 years of age and over</td>
</tr>
<tr>
<td>C.</td>
<td>City nonresident employees and their immediate families</td>
</tr>
<tr>
<td></td>
<td>(Do not have to be accompanied by a resident)</td>
</tr>
<tr>
<td>D.</td>
<td>Season pass</td>
</tr>
<tr>
<td>Family-Size</td>
<td>By 05/15</td>
</tr>
<tr>
<td>Age-3-18</td>
<td>$45.00</td>
</tr>
<tr>
<td>Age-19-59</td>
<td>$50.00</td>
</tr>
<tr>
<td>2</td>
<td>$90.00</td>
</tr>
<tr>
<td>3</td>
<td>$110.00</td>
</tr>
</tbody>
</table>
### Early Bird Rate: Purchased by 5/15

<table>
<thead>
<tr>
<th>Number of People</th>
<th>Regular Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$60.00</td>
</tr>
<tr>
<td>2</td>
<td>$102.00</td>
</tr>
<tr>
<td>3</td>
<td>$138.00</td>
</tr>
<tr>
<td>4</td>
<td>$168.00</td>
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<tr>
<td>5</td>
<td>$192.00</td>
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<tr>
<td>6</td>
<td>$210.00</td>
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<tr>
<td>More</td>
<td>Cap at $210.00</td>
</tr>
<tr>
<td>Senior</td>
<td>$15.00</td>
</tr>
<tr>
<td>Nanny</td>
<td>$65.00</td>
</tr>
<tr>
<td>Swim Team</td>
<td>$35.00</td>
</tr>
</tbody>
</table>

### Regular Rate: Purchased after 5/15

<table>
<thead>
<tr>
<th>Number of People</th>
<th>Regular Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$70.00</td>
</tr>
<tr>
<td>2</td>
<td>$119.00</td>
</tr>
<tr>
<td>3</td>
<td>$161.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td></td>
<td>Resident</td>
</tr>
<tr>
<td>Adult</td>
<td>$6.00</td>
</tr>
<tr>
<td>Senior</td>
<td>$2.00</td>
</tr>
<tr>
<td>Student (6-18)</td>
<td>$5.00</td>
</tr>
<tr>
<td>Child (3-5)</td>
<td>$4.00</td>
</tr>
<tr>
<td>Infant</td>
<td>NC</td>
</tr>
<tr>
<td>Military</td>
<td>NA</td>
</tr>
</tbody>
</table>

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 12/12/16
2nd reading: 12/19/16
3rd reading:
PASSED: __________________________

President of Council

POSTED: __________________________

Approved

ATTEST: __________________________

Clerk of Council

Mayor
ORDINANCE NO. ________

AN ORDINANCE TO REZONE A PORTION OF 127 MILLER ROAD AND THE RECENTLY VACATED ALLEY, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of November 1, 2016 approved a request to rezone a portion of 127 Miller Road and the vacated alley, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That a portion of 127 Miller Road and the vacated alley, described in Exhibit A, as attached hereto and made a part of, which is presently zoned R1-A, be and it is hereby zoned as B-1 Limited Business.

Section No. 2: That the official zoning map and Zoning Code of the City of Avon Lake be, and it is hereby amended accordingly, and the Municipal Engineer is directed to make the necessary changes thereto.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to allow the Avon Lake Animal Clinic to move forward with its expansion project and further the economic development of Avon Lake, thus for the public welfare of Avon Lake residents. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 11/14/16
2nd reading:
3rd reading:
PASSED: ____________________________ President of Council

POSTED: ______________________________

Approved

ATTEST: ______________________________

Clerk of Council

Mayor
Rezoning Parcel  
September 2016  
0.8766 of an Acre

Situated in the City of Avon Lake, County of Lorain, State of Ohio, and known as being part of Original Avon Township Section Number 6 and further described as being Sublot Numbers 222 and 223 and a portion of a 20 foot wide Alley in Avon Lake Harbor Estates recorded in Volume 12, Page 24 of the Lorain County Plat Records and a portion of Sublot Number 2 in Paws by the Lake Subdivision as recorded in Volume 102, Page 50 of the Lorain County Plat Records and further described as follows:

Commencing at the intersection of the northerly right-of-way line of Durrell Avenue (50 feet wide) with the easterly right-of-way line of Miller Road (60 feet wide) and the True Place of Beginning of land herein described;

Course 1:  Thence North 02° 20’ 00” East, along the easterly right-of-way line of said Miller Road, a distance of 95.09 feet to the northerly line of said 20 foot alley;

Course 2:  Thence North 75° 35’ 02” East, along the northerly line of said 20 foot alley, a distance of 140.18 feet to a point in the westerly line of a vacated alley (now part of said Sublot Number 2 in Paws by the Lake Subdivision) as recorded in Volume 50, Page 11 of the Lorain County Plat Records;

Course 3:  Thence South 14° 24’ 58” East, along the westerly line of said vacated alley and said Sublot Number 2, a distance of 10.00 feet to a point in the centerline of said vacated alley;

Course 4:  Thence North 75° 35’ 02” East, along the centerline of said vacated alley, a distance of 154.48 feet to a point in the westerly right-of-way line of Alameda Avenue (50 feet wide) (unimproved);

Course 5:  Thence South 02° 20’ 00” West, along the westerly right-of-way line of said Alameda Avenue and parallel with the centerline of said Miller Road, a distance of 173.33 feet to a point in the northerly right-of-way line of said Durrell Avenue;

EXHIBIT A

J:\164475 Paws by the Lake Rezoning Parking Lot\DOCUMENTS\16-4475 Rezoning Parcel.doc
Rezoning Parcel
September 2016 0.8766 of an Acre

Course 6: Thence North 87° 05' 00" West, along the northerly right-of-way line of said Durrell Avenue, a distance of 285.05 feet to a point and the True Place of Beginning.

Containing within said bounds 0.8766 of an acre of land, be the same more or less, but subject to all legal highways and easements of record. All bearings are intended to describe angles only. The basis of bearings used was a portion of the centerline of Miller Road which was assumed to be North 02° 20' 00" East.

The above intends to describe all of Lorain County Auditor’s Permanent Parcel Number: 04-00-006-109-008, a portion of a 20 foot wide Alley and a portion of Sublot Number 2 in Paws by the Lake Subdivision as recorded in Volume 102, Page 50 of the Lorain County Plat Records. This legal description is for rezoning purposes only.
ORDINANCE NO. ______

AN ORDINANCE AUTHORIZING ENTERING INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake through its Board of Municipal Utilities desires to provide loans to customers to separate their sanitary and storm laterals, and

WHEREAS, the City of Avon Lake through its Board of Municipal Utilities intends to apply to the Water Pollution Control Loan Fund (WPCLF) for funds to seed a revolving loan account for lateral separations, and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor and appropriate City staff members are authorized to sign all documents related to a WPCLF loan authorized by the Board of Municipal Utilities for initiating the City’s fund for lateral separations.

Section No. 2: That the Board of Municipal Utilities has designated customer loan payments as a source of repayment.

Section No. 3: That should customers refuse to separate laterals and it become necessary for the City to separate on the customers’ behalf, this fund may be used as a source of payment to contractors for separations and customer assessments be designated as a source of repayment.

Section No. 4: That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Section No. 4: That the Board of Municipal Utilities has designated wastewater-related revenues as security for repayment.

Section No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any
of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 6: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of filing documents in a timely manner to secure funding to upgrade the Avon Lake Regional Water wastewater system, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 12/19/16
2nd reading:
3rd reading:

PASSED: __________________________ President of Council

POSTED: __________________________ Approved

ATTEST: __________________________ Mayor

 Clerk of Council
RESOLUTION NO. ____________

A RESOLUTION DECLARING THE NECESSITY OF INSTALLING SANITARY AND/OR STORM LATERALS FROM CERTAIN LOTS TO THE SEWER MAINS IN THE STREETS ON WHICH SUCH LOTS ABUT, REQUIRING THE OWNERS OF SUCH LOTS TO INSTALL SAME, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency (the “OEPA”) has mandated that all sanitary sewers in the City of Avon Lake be separated from storm sewers by the year 2020 to eliminate the flow of sanitary waste into Lake Erie;

WHEREAS, to comply with the mandate of the OEPA, combined storm water/sanitary sewers are being eliminated and new sanitary and, possibly, storm sewers are being installed in certain streets in the City that did not have separate sanitary sewers; and

WHEREAS, Council deems it necessary that sanitary and/or storm laterals from certain lots in the City be installed to complete the sewer separation, that water from owners’ properties be directed to the correct sewers, and that the owners of such lots to bear the cost of such installation;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That it is necessary that sanitary and/or storm laterals from the lots and parcels of land identified in Exhibit A hereto (the “Affected Lots”) to the sanitary sewers and/or storm sewers in the streets on which the Affected Lots abut be installed to complete the City’s sanitary sewer separation project.

Section No. 2: That the plans, specifications and average estimated cost is $3,500 for the installation now on file in the office of the Clerk are approved.

Section No. 3: That the owners of the Affected Lots (the “Affected Owners”) shall install such sanitary and/or storm laterals in accordance with the plans and specifications filed in the office of the Clerk. Due to construction schedules in Avon Lake, owners have different compliance dates by which they must assure only sanitary wastes from their houses are discharged to the sanitary sewer and storm water to the storm sewer. Owners located in the construction area for the “45’s combined sewer separation” (Tomahawk Dr., South Point Dr., Forest Blvd., Oakwood Dr., Lakewood Dr., Lakeview Dr., parts of Gedeohn Ave., Overlook Rd., and parts of Grove St.) and located on Avondale Ave. must assure that only sanitary wastes are discharging from their sanitary lateral and storm water from the storm lateral by June 30, 2019. Owners located in the construction area for the “Fairfield area combined sewer separation”
Section No. 4: That in the event any Affected Owner does not complete the installation of such connections in accordance with the plans and specifications and within the time prescribed, this Council will cause it to be done and the entire cost plus a forfeiture of five percent (5%) shall be assessed on such Affected Owner as provided in Section 729.06, et seq. of the Ohio Revised Code.

Section No. 5: The Clerk of Council is directed to serve notice of the passage of this Resolution on the Affected Owners as provided by law.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Resolution is hereby declared to be an emergency measure, the emergency being the need to comply with the mandate of the EPA to keep sanitary waste out of Lake Erie and further to help keep sanitary waste backup out of basements, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading: 12/19/16
2nd reading:
3rd reading:

PASSED: ________________________________  President of Council

POSTED: ________________________________  Approved

ATTEST:  ________________________________  Clerk of Council  Mayor
ORDINANCE NO. _______

AN ORDINANCE FIXING A PAY RANGE FOR THE POSITION OF EXECUTIVE ASSISTANT FOR AVON LAKE REGIONAL WATER, AND DECLARING AN EMERGENCY.

WHEREAS, the Avon Lake Board of Municipal Utilities approved the maximum pay for the Executive Assistant, and

WHEREAS, pursuant to Section 12 of the Avon Lake Charter entitled Salaries and Pay of Officers and Employees, Council shall fix all salaries and rates of compensation, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following pay range is hereby fixed as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Pay Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Assistant</td>
<td>$15.00 - $30.00 per hour</td>
</tr>
</tbody>
</table>

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fixing a pay range for the position to be in compliance with the provisions of the Avon Lake Charter. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading: 12/19/16
2nd reading:
3rd reading:
RESOLUTION NO. _________

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO SUBMIT THE APPLICATION AND ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND TO EXECUTE THE NECESSARY CONTRACTS FOR THE PURPOSE OF ACQUIRING FUNDS, AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor of the City of Avon Lake is hereby authorized to apply for and, if awarded, enter into agreement with the Ohio Department of Natural Resources for funding and that the Mayor is hereby authorized to sign said contracts.

Section No. 2: That the Council of the City of Avon Lake hereby requests the Ohio Department of Natural Resources to consider and fund its application for Community Recreation Project-LORA-008C, the Heider Creek Retaining Wall Project at Veterans Memorial Park.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity of immediately completing the grant application for funds for submittal to the Ohio Department of Natural Resources prior to the deadline for this important erosion control project. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: ____________________________

President of Council

POSTED: ____________________________

Approved

ATTEST: ____________________________

Clerk of Council

Mayor