

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD OCTOBER 26, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on October 26, 2009 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

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

Present: Council Members Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

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

APPROVAL OF MINUTES

The minutes of the September 28, 2009 Regular Council Meeting, the October 13, 2009 Regular Council Meeting, and the October 1, 2009 Special Council Meeting were approved as prepared and published.

CORRESPONDENCE

Lewis Usher announced his retirement from the Service Department effective December 31, 2009.

A letter was received from Columbia Gas of Ohio regarding payment option plans.

Michael Stahl, residing on Lake Road at Avon Point, reported poor cellular service in the area.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The Mayor met with a representative from Reliant Energy regarding a protest held at the plant and other energy related issues.

The *Discover Avon Lake Magazine* will be distributed to all residents and businesses.

Trick or Treat will be held on October 31st from 6:00 P.M. – 7:30 P.M.

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Leaf pick-up has begun. Branch pick-up will continue until the first week of November.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for November 2nd. The next Regular Council Meeting is scheduled November 9th.

Election Day is November 3rd. The Planning Commission Meeting has been rescheduled to November 10th, due to Election Day.

An amendment to Section 52 of the Charter regarding the salaries of the Board of Municipal Utilities is on the November ballot. The ballot language for the Charter amendment is available on the City website.

In the third quarter, Community Resource Services assisted 17 families with utility bills. Additionally, food cards in a total amount of \$250 were purchased from Giant Eagle. The balance in the account is \$8,093.39.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

Residents are to place leaves on the tree lawn and not in the street for safety reasons and to keep catch basins clear.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

SAFETY COMMITTEE REPORT

Mr. Rush, Chair of the Safety Committee, explained that a motion is on the agenda to begin the process of hiring a Firefighter/Paramedic.

The Police Chief recommended the purchase of two police cruisers.

An application for a new liquor license was received from Thai Chilies, Inc. located at 32730 Walker Road.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet on November 17, 2009 at 4:30 P.M. at the Municipal Utilities Building.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet on October 28, 2009 at 7:00 P.M. at the Lake House.

CABLE ADVISORY COMMISSION REPORT

Mr. Kos reported on the following topics discussed at the October 15, 2009 Cable Advisory Commission meeting: the Community Media Conference attended by the Cable Studio Manager; the 2010 proposed budget; and HR 3475.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

A household hazardous waste collection day will be held on November 7, 2009 from 10:00 A.M. – 2:00 P.M. at Chemtron.

A community shred day will be held at the Avon Lake Public Library from 10:00 A.M. until noon.

RENEWABLE ENERGY TASK FORCE

Mrs. Fenderbosch reported on the Renewable Energy Task Force meeting held October 21, 2009. Presentations were given by Green Technologies, a wind cube manufacturer, and NexGen.

The next meeting is scheduled for November 18, 2009.

MOTIONS

Mrs. Fenderbosch moved to accept the resignation of Cynthia Sarady from the Renewable Energy Task Force. Ms. Sarady was awarded the contract to evaluate the City Hall location of the proposed New Cingular cell tower. The Law Director determined that a conflict of interest may exist.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Mr. Rush moved to authorize the hiring of a Firefighter/Paramedic. This is the first step in the hiring process. Council will have the opportunity to discuss the particular duties of the candidate at future meetings. After a candidate is chosen through Civil Service procedures, a hiring ordinance will be presented. There is a possibility that a current Firefighter/Paramedic will be leaving due to a disability retirement. It would be advantageous to have a person in place to avoid costly overtime.

Mr. Meiners stated that he will not support the hiring of a new Firefighter/Paramedic due to budget deficits in the City. The average salary and benefits package for a new Firefighter is approximately \$80,000. He suggested that the motion be contingent upon the actual retirement in the Fire Department.

Mayor Zuber stated that the salary for the new Firefighter/Paramedic will be paid from a fund created by the paramedic levy. Last year there was an \$800,000 carry over in the paramedic fund.

Mrs. Fenderbosch stated that if the retirement does not occur, having an additional person in place could help reduce the Fire Department overtime.

Mr. O'Donnell made the following comments. It is important to have an individual in place if the retirement occurs to avoid overtime while the lengthy hiring process evolves. If the retirement does not occur, the additional firefighter could act as a floater in the department to reduce overtime.

Mr. Zilka stated that this item has been discussed at a Safety/Finance Committee meeting. At the present rate, the cost of overtime will be greater than the cost of hiring an additional Firefighter/Paramedic. This is a fiscally responsible measured approach to reduce the overtime hours.

Yes: Rush, Zilka, Fenderbosch, Kos, O'Donnell

No: Meiners

Absent: Stanek

Motion carried.

LEGISLATION

Second Reading:

Temporary Legislation #9612, AN ORDINANCE APPROVING CHANGE ORDER #2 TO THE CONTRACT FOR THE AQUATIC CENTER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9612. A change order to the contract with Seitz Builders was requested for stone backfill under the pool and pool deck to replace poor soil and clay; the amount of the change order is

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\$194,592. The additional work will stabilize the foundation. The project is still approximately \$460,000 below budget.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Ordinance No. 105-2009 adopted.

First Readings:

Temporary Legislation #9614, A RESOLUTION IN SUPPORT OF HR 3745, THE COMMUNITY ACCESS PRESERVATION ACT, was read by title only.

The Cable Advisory Commission requested Council to pass a resolution supporting HR 3745 for the protection of the public education and government (PEG) channels. The PEG channels are being threatened by certain cable companies.

Temporary Legislation #9615, AN ORDINANCE ESTABLISHING A FUND NUMBER TO FACILITATE RECORDING REVENUES AND EXPENDITURES FOR UNCLAIMED FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9615. The State Auditor requested that this fund be established.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Ordinance No. 106-2009 adopted.

Temporary Legislation #9616, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO CRUISERS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek
Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9616. The Police Chief requested authority to purchase two police cruisers; these are budgeted items and will be purchased through the State Purchasing Program. If the purchase order is completed by the end of October, the City will receive two 2010 models at the 2009 price. The savings will be \$500 - \$700 per vehicle. The total purchase amount is \$44,608.00.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell
No: None
Absent: Stanek
Motion carried.

Ordinance No. 107-2009 adopted.

Temporary Legislation #9617, AN ORDINANCE APPROVING A MODIFICATION TO THE PLATS FOR GRAMERCY PLACE PHASES 1 & 2, AND DECLARING AN EMERGENCY, was read by title only.

Gramercy Place Subdivision Phases 1 & 2 have sublots containing wetlands. The plats need to be revised to reflect the mitigation of wetlands.

Temporary Legislation #9618, AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

Financial adjustments are needed for the following reasons. New recreation programs have brought in additional revenue and expenses; the Service Department needs additional supplies and building maintenance; and additional overtime in the Fire Department.

Temporary Legislation #9619, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY ROBERT YOUNG ET AL., AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell
No: None
Absent: Stanek
Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9619. This case involves a decision by the Zoning Board of Appeals regarding a fence height variance. The

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Law Director requested an additional \$2000 to continue defending the City. The applicants have filed an appeal with the 9th District Court of Appeals.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Ordinance No. 108-2009 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

Residents can visit Halloween displays at 365 and 375 Dellwood, Duff Drive, Redwood Drive, and Parkwood Drive.

Learwood Middle School is hosting a Veterans' Day celebration for all Avon Lake veterans and their spouses on November 11th, beginning with breakfast at 8:00 A.M.

The Landmark Preservation Society will host the "Taste of Chili" fundraiser at the Folger Home on November 7, 2009 from 4:00 P.M. – 7:00 P.M.

The first annual reverse raffle for Camp Imagine will take place on November 7, 2009 at 6:00 P.M. at the American Legion Hall.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to discuss the purchase/sale of land.

Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Adjournment to Executive Session: 8:20 P.M.

RECONVENING OF COUNCIL MEETING

Council reconvened in open session at 9:05 P.M.

Present: Mrs. Fenderbosch, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Rush, Mr. Zilka, Mayor Zuber, Law Director Kerner.

Absent: Mr. Stanek

Mr. O'Donnell moved to adjourn.

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Yes: Rush, Zilka, Fenderbosch, Kos, Meiners, O'Donnell

No: None

Absent: Stanek

Motion carried.

Adjournment: 9:06 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council