

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 13, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on April 13, 2009 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

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

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

APPROVAL OF MINUTES

The minutes of the March 23, 2009 Regular Council Meeting were approved as amended.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

On March 31, 2009 the Mayor and the Cable Studio Manager met with Wide Open West (WOW) Cable regarding a possible cable franchise in Avon Lake.

On April 9, 2009 the Mayor and other Ohio mayors attended a meeting with Dr. Montgomery, the "car czar" of the Obama administration, regarding the auto industry. As part of the stimulus package, approximately \$300,000,000 will be spent to purchase vehicles.

As part of Lorain County Pride Day on May 16, 2009, a community shred day will take place at the Avon Lake Public Library from 10:00 A.M. until 1:00 P.M.

The Mayor will attend an automotive conference in Chicago during the week of April 13th.

A Senior Citizens Fair will be held on April 28, 2009 at the Avon Lake Public Library.

COUNCIL PRESIDENT'S REPORT

Council President Zilka made the following announcements.

There will be a Work Session on wind energy on April 20, 2009 at 7:30 P.M. A Collective Committee Meeting and a Special Council Meeting will follow the Work Session. The purpose of the Special Council Meeting is to take action on Temporary Legislation #9544, the conditional use site plan for the aquatic center,

and to consider the second reading of Temporary Legislation #9545, the conditional use site plan for an indoor skate park.

The Council Annual Report is complete and is on file in the Council Office.

Elected officials are required to submit Financial Disclosure Statements to the Ohio Ethics Commission by April 15, 2009.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

The Walker Road paving project has begun; the project extends from Route 83 to the Bay Village line and should be completed within 45 days according to the terms of the contract.

A Rain Barrel Workshop is scheduled for April 25, 2009 at the Old Firehouse Community Center from 10:00 A.M. until noon.

The Veterans Park breakwall project is being funded by a Pass Through Agreement with the Ohio Department of Natural Resources (ODNR). The City will receive \$148,500 for the project. The breakwall will be installed on the park property immediately east of the Lake House. The project should be completed during the summer season.

The City is still awaiting approval from the Army Corps of Engineers for the Miller Road Park bluff grading project.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch, Chair of the Environmental Committee, made the following announcements: a Work Session regarding wind turbines is scheduled for April 20, 2009 at 7:30 P.M.; the final segment of the Environmental Issues Series will take place on Wednesday, April 15, 2009 at 7:00 P.M. at the Avon Lake Public Library. The topic is "Rain Gardens".

FINANCE COMMITTEE REPORT

Mr. Stanek, Finance Committee Chair, reported on the following items discussed at the April 6, 2009 Finance Committee Meeting: bond financing options for the aquatic center, the Service Department building, and the Moore Road Sewer Project; the DataCore contract for computer services; and bids for the aquatic center.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell stated that, due to a potential conflict of interest, he will ask for permission to abstain from voting on Temporary Legislation #9549, the Randall's Lawn Care and Landscaping contract.

SEWER COMMITTEE REPORT

Mr. Zilka, Sewer Committee Chair, announced a Sewer Committee meeting is scheduled for April 21, 2009 at 4:30 P.M. at the Municipal Utilities Building.

PLANNING COMMISSION REPORT

Mr. Zilka, Planning Commission Representative, reported on the following results of the April 7, 2009 Planning Commission Meeting: approval of a conditional use site plan with one waiver for the Bleser Park Aquatic Center; approval of a conditional use site plan for an indoor skate park; approval of a revision to Planning & Zoning Code Section 1246.05(a), entitled Air Pollution; and approval of wall signage for Avon Lake Storage on Pin Oak Parkway.

PARKS & RECREATION COMMISSION REPORT

Mr. O'Donnell, Parks & Recreation Commission representative, reported on the following items discussed at the March 25, 2009 Parks & Recreation Commission Meeting: irrigation and field conditions at Weiss Field.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mrs. Fenderbosch, Environmental Committee Chair and representative to the Environmental Affairs Advisory Board, reported on the following items discussed at the April 1, 2009 Environmental Affairs Advisory Board Meeting: the June 3rd E-Cycle Day; the new industrial member representing PolyOne; the June 20th "Sun Celebration" at the Avon Lake Public Library; the July 4th Arts Fest at Miller Road Park; and the October 3rd Avon Lake Homecoming celebration. The Board has formed the following investigative committees: storm water; household hazardous waste recycling; the health study with Lorain City Health Department; the balance between humans and nature; and energy efficiency.

CABLE ADVISORY COMMISSION

Mr. Kos, Public Utilities Committee Chair and representative to the Cable Advisory Commission, announced that the April 16th meeting of the Cable Advisory Commission has been cancelled. The next meeting of the Cable Advisory Commission is scheduled for May 21, 2009 at 7:15 P.M. The ALCTV studio will now be closed on Fridays due to budget constraints.

ECONOMIC DEVELOPMENT ADVISORY BOARD

Mr. Stanek, Finance Committee Chair and representative to the Economic Development Advisory Board, reported on the following item discussed at the Economic Development Advisory Board meeting held April 8, 2009: a tax incentive agreement from Thomasina Patton and TBP Avon Lake LLC for a Mexican restaurant on Lake Road.

AUDIENCE PARTICIPATION

Ruth Hardwig, 32816 Lake Road, expressed her concern regarding proposed Lake Road access to the aquatic center to be located at Bleser Park.

MOTIONS

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the Bleser Park aquatic center. Mr. Stanek explained that the bidding process for this project will be broken into three separate bids; one for the site, one for the buildings, and one for the pool itself.

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

Mr. Zilka moved to add a motion to the agenda permitting Mr. O'Donnell to abstain from voting on Temporary Legislation #9549.

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

Mr. Stanek moved to authorize the Mayor to enter into an agreement with DataCore for computer support. The one-year contract authorizes DataCore to perform computer services for the City of Avon Lake for a fee of \$1100 per month.

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

LEGISLATION

Third Readings:

Temporary Legislation # 9536, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE, CHANGING THE WAGE RATE OF LISA GOODWIN, RECREATION PROGRAM COORDINATOR, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Meiners moved for passage of Temporary Legislation #9536. This 2% wage increase was recommended by the Recreation Director and was approved by the Human Resources Committee. The new rate is \$13.77/hr effective January 1, 2009.

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

No: None

Motion carried.

Ordinance No. 35-2009 adopted.

Temporary Legislation #9538, AN ORDINANCE APPROVING A REVISION TO THE PRELIMINARY PLAN FOR GRAMERCY PLACE, PHASE 3.

Mr. Zilka moved for passage of Temporary Legislation #9538. This item was approved by Planning Commission. The revision includes changes to the requirements for front and rear yard setbacks, pavement width, and minimum lot width.

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

No: None

Motion carried.

Ordinance No. 36-2009 adopted.

Second Reading:

Temporary Legislation #9542, AN ORDINANCE ESTABLISHING A PAY GRADE AND STEP FOR THE FIRE DEPARTMENT SECRETARY/DISPATCHER, was read by title only.

The Human Resources Director recommended establishing a pay grade and step for the Fire Department Secretary/Dispatcher pursuant to Codified Ordinance Section 258.09. The recommended pay grade is based on the pay grade in the collective bargaining agreement.

First Readings:

Temporary Legislation #9544, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN TO CONSTRUCT AN AQUATIC CENTER AT BLESER PARK, AND DECLARING AN EMERGENCY, was read by title only.

This item was approved by Planning Commission, with one waiver, for a 25 foot high water slide with an additional 3.5 feet of railing by a vote of 4-1. Planning Commission Member Brightwell voted against the site plan because he felt it would have an adverse affect on the character of the neighborhood. Mr. Meiners pointed out that some residents have expressed their desire for the pool to be open to Avon Lake residents and guests of Avon Lake residents only since the pool will be funded through Avon Lake property taxes. Mr. Meiners asked Council members and relevant committees to consider a policy to check residency for admission to the pool.

Mr. Stanek pointed out that the pool fees will not be raised for the new pool since residents will be paying for the new pool through their property taxes. He further stated that he would not want to see non-residents using the pool for the same admission fee as Avon Lake residents. Mr. Stanek stated that he also has concerns regarding the proposed Lake Road driveway to the pool area.

Mr. O'Donnell pointed out that the concept has always been that Avon Lake residents would be the first ones to use the pool. Other communities have a screening process for guests accompanying residents and Avon Lake could adopt a similar process. This option will be studied further.

Mayor Zuber stated that the issue being considered is the conditional use site plan for the pool; the City has a year to establish pool usage policies as recommended by the Parks & Recreation Commission.

Temporary Legislation #9545, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN TO CONSTRUCT AN INDOOR SKATE PARK, was read by title only.

This item was approved by Planning Commission by a vote of 5-0. The skate park will be constructed at 33501-A Lake Road and will include a full service skate board shop and a concession stand.

Temporary Legislation #9546, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIO DEPARTMENT OF NATURAL RESOURCES FOR A CAPITAL IMPROVEMENT GRANT PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #9546. The grant, through House Bill 562, is in the amount of \$145,500 and will be used for construction of shoreline protection at Veterans Memorial Park.

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

Ordinance No. 37-2009 adopted.

Temporary Legislation #9547, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH THOMASINA B. PATTON, AND TBP AVON LAKE LLC TO CAUSE THE OPENING AND OPERATION OF A RESTAURANT AT 33493 LAKE ROAD, AVON LAKE, OHIO

WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

This item was approved and recommended to Council unanimously by the Economic Development Advisory Board. This agreement is for 50% abatement for ten years on the amount of the improvements to the existing building. The dollar amount of the improvements is \$50,000; the amount of abatement will be approximately \$600 per year. The new business is estimating an annual payroll of \$395,000, which would generate approximately \$6000 per year in income tax revenue for the City.

Temporary Legislation #9548, AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9548. This involves the adoption of new material and the annual editing of the Codified Ordinances as performed by American Legal Publishing.

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

No: None

Motion carried.

Ordinance No. 38-2009 adopted.

Temporary Legislation #9549, AN ORDINANCE AWARDED A ONE YEAR CONTRACT TO RANDALL'S LAWN CARE AND LANDSCAPING, INC. FOR GROUND MAINTENANCE AT CITY BUILDINGS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Stanek moved to allow Mr. O'Donnell to abstain from voting on Temporary Legislation #9549.

Yes: Meiners, Rush, Stanek, Zilka, Fenderbosch, Kos

No: None

Abstention: O'Donnell

Motion carried.

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

Yes: Meiners, Rush, Stanek, Zilka, Fenderbosch, Kos

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No: None
Abstention: O'Donnell
Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9549. Six quotations were received for ground maintenance services at City buildings. One quotation was received that was slightly less, but the Service Director recommended Randall's Lawn Care and Landscaping based on the bid amount and past work performance for the City.

Yes: Meiners, Rush, Stanek, Zilka, Fenderbosch, Kos
No: None
Abstention: O'Donnell
Motion carried.
Ordinance No. 39-2009 adopted.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, Avon Lake, had questions regarding the July 4th fireworks display.

The fireworks will be dispensed from the end of the pier at Miller Road Park.

ANNOUNCEMENTS

Mr. Kos stated that he may not be in attendance at the April 20, 2009 Special Council Meeting, but he does support the conditional use site plan for the aquatic center.

ADJOURNMENT

Mr. O'Donnell moved to adjourn.

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

Adjournment: 8:36 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council