

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 13, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on February 13, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, Martin O'Donnell, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

Absent: Dan Bucci

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

APPROVAL OF MINUTES

The minutes of the January 23, 2012 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka met with Police Chief Owad, Fire Chief Eisenhardt, Service Director Lescher, and Recreation Director Gerrone regarding the July 4th fireworks celebration. After discussion, it was agreed that the Independence Day celebration will be held on July 3rd at Weiss Field. This is the most cost effective date and location. Safety concerns and accessibility were also taken into consideration.

The health contract with the City of Lorain expires July 31, 2012. The Mayor met with the Mayor of the City of Lorain to discuss the extension of the contract. The current annual contract with the City of Lorain is in the amount of \$73,700. The Mayor of Lorain suggested that Avon Lake extend the contract for one year with an increase in the amount equal to the rate of general inflation. If a health levy is placed on the ballot, a contract could be put into place based on the outcome of the election. There has been discussion regarding the consolidation of the three health departments in Lorain County.

The Mayor has been meeting with department heads to finalize the 2012 budget.

The Mayor met with Shar Davis of the Public Institute of Lorain County Community College to discuss the strategic economic plan for the City of Avon Lake.

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On February 3, 2012, the Mayor attended a Leadership Academy lecture on Regionalism and Economic Development at Cleveland State University.

The Ward I residents meeting is scheduled for February 15, 2012 at 7:00 P.M. at Learwood School.

COUNCIL PRESIDENT'S REPORT

In observance of President's Day, no meeting is scheduled for Monday, February 20th. A rescheduled Collective Committee meeting is scheduled for Tuesday, February 21, 2012. The next Regular Council Meeting is scheduled for February 27th.

Council members were reminded to submit all committee reports for the Annual Council Report by February 21st.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James made the following announcements.

The Environmental Affairs Advisory Board is scheduled to meet March 8, 2012 at 6:30 P.M. at the Avon Lake Public Library; the topic is deer management.

The Environmental Issues Series will continue on March 14, 2012 at 7:00 P.M. at the Avon Lake Public Library; the speaker will be Peter Banks, founder of the Lorain, Cuyahoga, and Eire Chapters of Farmers and Hunters Feeding the Hungry.

On February 9th, the Environmental Committee held a joint meeting with the Sewer Committee to discuss deer management among other topics.

The Environmental Committee accepted a recommendation of the Environmental Affairs Advisory Board regarding a proposed ordinance related to the prohibition of feeding deer.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell reported on the following items discussed at the February 1, 2012 Public Service Committee Meeting: energy efficient lighting in City buildings; Lear/Walker Road Turn Lane Project change order; a submerged land lease; the ODOT bridge rating grant; the landfill monitoring contract; the Lorain County Solid Waste Management Plan; the Avon Lake settlement date; and Bleser Park improvements.

There are remaining funds from the swimming pool levy. These funds must be used by July of 2012. Mr. Meiners stated that he has been inquiring about the geographical boundaries of Bleser Park and whether the Old Firehouse Community Center is within those boundaries and whether the surplus pool levy funds could be used for improvements to the Old Firehouse Community Center. The Zoning Administrator informed Mr. Meiners that the Old Firehouse is a part of Bleser Park. In answer to Mr. Meiners, Law Director Lieberman stated that he has studied the issue and has formed an opinion and is waiting for the Mayor's review and comments before distributing his opinion. Mayor Zilka stated that he contacted the bond counsel who prepared the bond ordinance for the pool construction and was verbally informed that the City must spend 85% of any remaining levy funds by July of 2012, and the remaining 15% within three years.

Mrs. Fenderbosch stated that not all parks in Avon Lake have been officially dedicated as parks and suggested that Council address this issue.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Shondel reported that Time Warner has scheduled a fiber cutover for the Lear Road overpass at I-90. On February 14th, between 1:00 A.M. and 5:30 A.M., digital video service will be impacted for customers in Avon Lake, Bay Village, Elyria, North Ridgeville, and Amherst. On February 15th, between 1:00 A.M. and 5:30 A.M., local access channels in Avon Lake and Bay Village will be affected.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the following items discussed at the February 9, 2012 Sewer Committee/Environmental Committee joint meeting: the updated stormwater ordinance; proposed meetings with developers and homeowners associations; the Crestwood/Moorewood Sewer Separation study; the Law Director's Update on fee adjustments; a stormwater master plan update; the 5-year plan for stormwater projects; and the Jaycox Road/Gable Ditch culvert.

The Sewer Committee will meet on the second Thursday of the month at 6:30 P.M. in the Engineering Conference Room. The next meeting is scheduled for March 8, 2012.

PARKS & RECREATION COMMISSION

Breakfast with the Easter Bunny is scheduled for March 31, 2012 8:30 A.M. and 10:30 A.M. at the American Legion on Walker Road.

AVON LAKE COMMUNITY COUNCIL REPORT

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Nominations are being accepted for the Citizen of the Year and Project of the Year awards; nominations must be received by March 16, 2012. Applications are available at City Hall, and on the Avon Lake website.

MOTIONS

Mr. Meiners moved to nominate Marty O'Donnell as Council President for a term expiring December 31, 2013.

There were no other nominations.

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

No: None

Absent: Bucci

Motion carried.

Mr. Kos moved to nominate Larry Meiners as Council President Pro Tem for a term expiring December 31, 2012.

There were no other nominations.

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

No: None

Absent: Bucci

Motion carried.

Mr. James moved to appoint Philip Amato, Holly Kowalski, Rita George, Robert Haas, Michael Michetti, Michael Sweeney, Neil Rush, and Amy Nasr to the Environmental Affairs Advisory Board for terms expiring December 31, 2014.

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

No: None

Absent: Bucci

Motion carried.

Mr. Kos moved to accept the resignation of Sgt. Randall Bennett from the Avon Lake Police Department.

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

No: None

Absent: Bucci

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #9902R2, AN ORDINANCE AUTHORIZING SALARY AND WAGE RATE ADJUSTMENTS AND FIXING ANNUAL SALARY AND WAGE RATES FOR CERTAIN NON-BARGAINING UNIT EMPLOYEES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #9902R2. The City currently pays the employee's PERS contribution for certain non-bargaining unit employees; the City wishes to no longer continue this program. In order to maintain each employee's current net pay, there will be salary adjustments equal to the PERS contribution. There will be no net gain or loss to the City.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 12-2012 adopted.

Temporary Legislation #9918, AN ORDINANCE DESIGNATING THE PETER MILLER HOUSE AND PROPERTY AS AN HISTORICAL LANDMARK, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9918. The Avon Lake Historical Preservation Commission and Planning Commission recommended granting the Peter Miller House historical landmark designation. Only the building and surrounding property will be considered for historical landmark designation. Usage of the remainder of Miller Road Park will not be affected.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 13-2012 adopted.

Second Reading:

Temporary Legislation #9929, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Police Chief recommended donating unclaimed bicycles to the Oberlin Bike Co-op.

First Readings:

Temporary Legislation #9934, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LEADMAN IN THE SERVICE DEPARTMENT

ESTABLISHING THE QUALIFICATIONS FOR SAID POSITION AND REPEALING ORDINANCE NO. 105-91, was read by title only.

This and the following five job descriptions were recommended by the Human Resources Director and Service Director to bring them up to date and properly reflect the duties of the positions.

Temporary legislation #9935, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF LABORER IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 68-2008, was read by title only.

Temporary legislation #9936, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EQUIPMENT OPERATOR IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 106-91, was read by title only.

Temporary legislation #9937, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EQUIPMENT OPERATOR IN TRAINING IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 107-91, was read by title only.

Temporary legislation #9938, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF UTILITYMAN IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 196-86, was read by title only.

Temporary legislation #9939, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF MECHANIC IN THE SERVICE DEPARTMENT ESTABLISHING THE DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 63-95, was read by title only.

Temporary Legislation #9940, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN PART-TIME EMPLOYEES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

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Mr. Kos moved for passage of Temporary Legislation #9940. Two part-time employees in the Cable Studio were inadvertently omitted from the list of the non-bargaining unit employees who received 2.75% increases last year.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 14-2012 adopted.

Temporary Legislation #9941, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MIKE BRAMHALL AS MUNICIPAL ENGINEER, ESTABLISHING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

According to the City Charter, the City is required to appoint a licensed civil engineer to act as the municipal engineer. The salary is \$100 per hour.

Temporary Legislation #9942, AN ORDINANCE PROVIDING FOR A TRANSFER, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9942. The Finance Director determined that a transfer of funds is necessary for the current and necessary expenses of the City.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 15-2012 adopted.

Temporary Legislation #9943, AN ORDINANCE CONSENTING TO ODOT FOR BRIDGE INSPECTION SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

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Absent: Bucci
Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9943. The Avon Lake bridges that require load rating calculations through ODOT's Municipal Bridge Inspection Program are the following: the Heider Ditch at Armour Road, the Heider Ditch at Walker Road, and the Heider Ditch at Spinnaker Drive. There will be no cost to the City under this agreement.

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

Ordinance No. 16-2012 adopted.

Temporary Legislation #9944, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #9944. The property owner at 31734 Lake Road requested a submerged land lease for construction of a breakwall. The request has been reviewed by all department heads; the City has no interest in the property.

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

Resolution No. 17-2012 adopted.

Temporary Legislation #9945, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH BRAMHALL ENGINEERING, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #9945. The change order will cover additional work for right-of-way plans necessary to relocate sidewalks and provide space for the Illuminating Company to move power poles away from the intersection in conjunction with the Lear/Walker Road Turn Lane Project. The additional work will allow for a safer intersection. The cost will be covered by the Engineering Department's small contracts account.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 18-2012 adopted.

Temporary Legislation #9946, A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9946. The City of Avon Lake is part of the Lorain County Solid Waste Management District. The Engineering Department Manager reviewed the plan and recommended approval by Council.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 19-2012 adopted.

Temporary Legislation #9947, A RESOLUTION RENEWING RESOLUTION NO. 132-94, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE COMMUNITY REINVESTMENT AREA AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

The Community Reinvestment Area (CRA) program allows for tax abatement for certain businesses which comply with the requirements. The abatement is on property tax. The City is required to evaluate and renew the CRA agreements every two years.

Temporary Legislation #9948, A RESOLUTION DESIGNATING THE AVON LAKE SETTLEMENT AS THE YEAR 1819, AND THE YEAR 2019 AS THE AVON LAKE BICENTENNIAL YEAR, was read by title only.

At the request of the Mayor in 2011, the Avon Lake Historical Preservation Commission conducted extensive research and confirmed the decision of the Council in 1968 that the year 1969 was the City's 150th year. The Public Service Committee accepted the recommendation of the Avon Lake Historical Preservation Commission that the year of settlement of Avon Lake was 1819, and the year 2019 shall be the bicentennial year, the 200th anniversary of the permanent and continuous settlement of the area now known as the City of Avon Lake.

Temporary Legislation #9949, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICE AGREEMENT FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Bucci

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9949. This contract with HzW Environmental Services is in the amount of \$50,428. The City is required by the EPA to monitor the groundwater at the City landfill.

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

No: None

Absent: Bucci

Motion carried.

Ordinance No. 20-2012 adopted.

PUBLIC INPUT

Gerry Paine, 33344 Lake Road, Avon Lake, thanked Council for approving the historical landmark designation of the Peter Miller House.

Bernie Baka, 32814 Titus Hill, Avon Lake, commented on the importance of preserving historical landmarks and recognized the efforts of the Historical Preservation Commission.

Cheryl Slater, 162 Jamestown Parkway, Avon Lake, expressed her opposition to bow hunting as a means of deer population control.

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Laine Ferante, 5078 Landsdown, Solon, expressed her opposition to lethal plans to control deer population.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Absent: Bucci

Motion carried.

Adjournment: 8:58 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council