

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 28, 2011**

The regular meeting of the Avon Lake Municipal Council was called to order on February 28, 2011 at 8:05 P.M. following the Collective Committee Meeting in the Council Chamber with Council President Zilka presiding.

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

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

APPROVAL OF MINUTES

The minutes of the February 14, 2011 Council Meeting were approved as prepared and published.

CORRESPONDENCE

The Avon Lake Community Garden requested a waiver of Planning Commission fees.

Cynthia Penton forwarded a letter announcing her resignation from the Tree Commission.

Mrs. Fenderbosch received over half of the authorization forms from residents on Parsons Drive to convert to natural gas. Mrs. Fenderbosch received correspondence confirming that the remaining residents will sign the authorization forms.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

Over 130 applications were received for the Recreation Director position. The Mayor is planning to present his recommendation to the Human Resources Committee and Council.

National Multiple Sclerosis Awareness Week begins March 14th.

Financing of Issue 2 projects is still being discussed in committee hearings in Columbus. There is a possibility that Issue 2 projects will not be funded for the next fiscal year, which will affect the Walker Road/Lear Road Project. Issue 2 funding is normally included in the Capital Budget, but due to the economy in Ohio, it was not

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included. Representative Lundy informed the Mayor there is an effort to get Issue 2 project funding included in the transportation budget.

Allied Waste will collect damaged items from basement flooding on the regular trash pick-up day.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee meeting is scheduled for March 7, 2011. The next Regular Council Meeting is scheduled for March 14, 2011.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch reported on the following topics discussed at the February 21, 2011 Environmental Committee meeting: sunscreen donation for the pool, and the Asian Carp issue.

FINANCE COMMITTEE REPORT

Mr. Zilka reported on the following items discussed at the February 22, 2011 Finance Committee meeting: City purchases from local merchants; refinancing of City debt; financing of the Canterbury Road Project; a stipend for the Contract Administrator; quotes for a financial advisor to review City financial statements; 2011 Street Program budget; storm water management; and the economic development budget.

PUBLIC SERVICE COMMITTEE REPORT

A Public Service Committee meeting is scheduled for March 1, 2011 at 7:00 P.M.

ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee is scheduled to meet on March 8, 2011. Representatives from Cleveland State University will present a proposal for economic development.

PARKS & RECREATION REPORT

Mr. O'Donnell reported on Recreation Department programs.

The Recreation Department is advertising for seasonal help.

Breakfast with the Easter Bunny is scheduled April 16, 2011 at 9:00 AM. and 11:00 A.M. at the American Legion.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD (EAAB) REPORT

The Environmental Series will continue at the Avon Lake Public Library on March 9, 2011; the topic is "Invasive Species".

Mrs. Fenderbosch reported on the Asian Carp invasion of the Great Lakes.

MOTIONS

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for Bleser Park tennis court repairs.

Funding for the tennis court repairs will come from the remaining money from the pool levy. Funds from the pool levy will be available for further Bleser Park projects, but it is necessary to maintain reserve funds for unexpected pool costs.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the Avon Belden Road /Pin Oak Parkway Traffic Signal Project.

This project is in conjunction with the construction of the new school bus garage to alleviate traffic safety concerns.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Engineering Department to advertise for bids for the 2011 Concrete Street Repair Program.

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

No: None

Motion carried.

Mr. Kos moved to authorize the approval of a contract with Mad Bomber for the July 4th fireworks display.

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Mad Bomber has provided fireworks for the July 4th celebration for the past several years. The cost is \$14,500. Mr. Kos stressed the importance of the fireworks and the July 4th celebration for the community and local businesses, and urged Council to approve the contract and not scale back on the celebration due to the economy.

Mr. Meiners agreed with Mr. Kos and stated that the July 4th celebration is an important traditional event.

Mrs. Fenderbosch stated that she supports a July 4th celebration with fireworks, but feels due to the financial condition of the City, it should be scaled back. She stressed that Council must be very conscious of spending City funds.

In answer to Mr. Rush, Mayor Zuber stated that he did not seek quotes from other companies. Mad Bomber is a local company and the City received a discount last year as it was the last year of the three-year contract. The Friends of the Park organization will make a donation for fireworks and the Mayor's office will solicit donations from local businesses. The recruitment of vendors for the arts festival is dependent upon having a contract in place for the fireworks.

Mr. Zilka stated that he supports the fireworks contract, but feels quotes should be solicited for the music entertainment contract. Last year the City paid True North \$10,000 for music entertainment. Mr. Zilka pointed out that the City pays a substantial amount of overtime to the Service Department and safety forces for the July 4th arts festival.

Yes: Kos, Meiners, Rush, Zilka

No: O'Donnell, Bucci, Fenderbosch

Motion carried.

Mr. O'Donnell moved to accept the resignation of Cynthia Penton from the Tree Commission.

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

No: None

Motion carried.

LEGISLATION

Mr. Bucci moved to add to the agenda Temporary Legislation #9787, approving a moratorium on internet gaming/sweepstakes cafes.

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

No: None

Motion carried.

Third Reading:

Temporary Legislation #9776, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 258.04, ENTITLED POWERS AND DUTIES OF THE HUMAN RESOURCES COMMITTEE, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9776. The Human Resources Director recommended an amendment to Codified Ordinance Section 258.04. Currently it is the responsibility of the Human Resources Committee to establish wage classifications. The amendment would give that responsibility to the Mayor or his designee since the designated employees are under the supervision of the administration. The Human Resources Committee voted unanimously to recommend the amendment to Council for approval.

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

No: None

Motion carried.

Ordinance No. 8-2011 adopted.

Second Readings:

Temporary Legislation #9777R, AN ORDINANCE AMENDING RESOLUTION 128-2010 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2011, AND DECLARING AN EMERGENCY, was read by title only.

The Finance Director, Finance Committee, and the Mayor are working to finalize the 2011 budget. The general fund budget is \$14,300,000. The total budget, including the Municipal Utilities Department, is \$77,000,000.

Temporary Legislation #9780, AN ORDINANCE AMENDING CHAPTER 208 OF THE CODIFIED ORDINANCES, ENTITLED GENERAL FEE SCHEDULE, AND DECLARING AN EMERGENCY, was read by title only.

The Municipal Utilities Board approved increases to the sewer rates; fees also were adjusted based on the Cleveland Cost Construction Index.

Temporary Legislation #9782, AN ORDINANCE DECLARING THE NECESSITY OF IMPROVING CANTERBURY ROAD APPROXIMATELY 1516 FEET BY CONSTRUCTION OF STORM AND SANITARY SEWERS, WATER LINES, AND CONCRETE PAVEMENT, 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, Rush, Zilka, Bucci, Fenderbosch

No: None

Motion carried.

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Mr. Meiners moved for passage of Temporary Legislation #9782. The project will connect Canterbury Road to Moore Road. This project will increase accessibility for the safety forces and will enhance the school bus traffic. Waterside Crossings will be assessed for improvements to its property.

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

No: None

Motion carried.

Ordinance No. 9-2011 adopted.

First Readings:

Temporary Legislation #9783, AN ORDINANCE AWARDDING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT, 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, Rush, Zilka, Bucci, Fenderbosch

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9783. N.G.W. Industrial submitted the low bid of \$45,250. The project must be completed before the April fish spawning season.

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

No: None

Motion carried.

Ordinance No. 10-2011 adopted.

Temporary Legislation #9784, AN ORDINANCE AWARDDING A CONTRACT FOR THE MOORE ROAD/WALKER ROAD TRAFFIC SIGNAL PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

Buckeye Excavating submitted the low bid of \$425,414. Current State funding will not affect this project; funding was awarded last year. The project should be completed by the middle of August 2011.

Temporary Legislation #9785, AN ORDINANCE AWARDDING A CONTRACT FOR THE MOORE ROAD/WALKER ROAD CULVERT REPLACEMENT PROJECT, 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, Rush, Zilka, Bucci, Fenderbosch

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No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9785. This project is being done in conjunction with the traffic signal project. Karvo Paving submitted the low bid of \$380,283.

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

No: None

Motion carried.

Ordinance No. 11-2011 adopted.

Temporary Legislation # 9786, 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: Kos, Meiners, O'Donnell, Rush, Zilka, Bucci, Fenderbosch

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9786. American Legal Publishing completed the 2010 Codified Ordinance updates.

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

No: None

Motion carried.

Ordinance No. 12-2011 adopted.

Temporary Legislation #9787, AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF ALL INTERNET GAMING SWEEPSTAKES CAFES IN THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9787. This legislation imposes a six month moratorium on internet sweepstakes cafes to allow time for further

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investigation and guidance from the State of Ohio and the Attorney General's Office regarding regulations and the legality of such cafes.

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

No: None

Motion carried.

Ordinance 13-2011 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Rush announced that he will not seek re-election to the Ward I Council position.

The North Coast Women's Expo will take place at Lorain County Community College on March 19, 2011.

Mr. Kos will visit property owners affected by the Canterbury Road extension project to explain the project.

A small business seminar is scheduled for March 10, 2011 at 8:00 A.M. at the Lake House; the topic is human resources.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, Avon Lake, asked when Avon Lake will celebrate July 4th.

The fireworks will take place on July 3rd in celebration of Independence Day.

ADJOURNMENT

Mr. O'Donnell moved for adjournment.

Adjournment: 9:23 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council