

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 9, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on February 9, 2009 at 7:30 P.M. in Council Chambers with Council President Zilka presiding.

Mr. O'Donnell 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, Clerk of Council Barbara Dopp.

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

APPROVAL OF MINUTES

The minutes of the January 26, 2009 Regular Council Meeting were approved as prepared and published.

CITIZEN RECOGNITION

Mayor Zuber presented Certificates of Appreciation to John Schrift, Elam Bruegger, Scott Bruegger, and Mark Musial for their heroic efforts in coming to the aid of individuals in distress.

CORRESPONDENCE

A letter was received from Nancy Abram of the Avon Lake Historical Society regarding the founding date of Avon Lake.

Richard Link, Service Department employee, submitted his letter of resignation effective February 28, 2009.

Correspondence was received from Time Warner Cable announcing rate increases effective April 1, 2009.

MAYOR'S REPORT

Mayor Zuber made the following announcements:

Residents are required to keep their sidewalks free of snow according to Avon Lake ordinances.

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The Mayor, Ms. Nichols, Mr. Reitz, Mr. O'Donnell and Mr. Zilka visited the pools at Bay Village, Willoughby, and Wickliffe to gain insight and ideas for the Avon Lake Aquatic Center.

A revised general fund budget was distributed to Council. The proposed budget deficit has been reduced to \$1.15 million.

On February 2nd there was a groundbreaking ceremony for the St. Jude Dream Home which will be raffled by Gamellia Construction as a fundraiser for the St. Jude Hospital.

A conference call took place on February 4th with the Mayor and Congresswoman Betty Sutton regarding the stimulus bill being considered by Congress and the possible impact on communities.

The Lorain County Economic Development breakfast was held on February 6th.

Park Ranger Thompson, of the Lorain County Metro Parks, gave a presentation at the Avon Lake Public Library on February 8th. Future presentations will be scheduled.

A public input meeting regarding the proposed Aquatic Center is scheduled for February 12th at 7:00 P.M. at the United Church of Christ.

COUNCIL PRESIDENT'S REPORT

Council President Zilka made the following announcements:

February 16th is Presidents' Day and no Council meeting is scheduled. There will be a rescheduled Collective Committee Meeting on February 17, 2009. The next Regular Council Meeting is scheduled for February 23, 2009.

Council committee annual reports are due.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch, Chair of the Environmental Committee, reported on the wind turbine topic discussed at the Joint Environmental Committee/Public Service Committee meeting held February 9, 2009.

The Environmental Issues series will continue at the Avon Lake Public Library on February 11, 2009 at 7:00 P.M.; "Greening of the Schools" is the topic.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell, Chair of the Public Service Committee, reported on the following items discussed at the Public Service Committee Meeting held February 9, 2009: the 2009 Street Program; the July 4th fireworks display contract; and "shovel ready" projects which may qualify for funding through the stimulus bill.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Kos, Chair of the Public Utilities Committee, made the following announcements.

The DTV transition date has been changed to June 12, 2009; information is available at www.dtv.gov or by calling 1-888-388-2009.

A Public Utilities meeting will be scheduled with a representative from the Illuminating Company regarding recent and possible future power outages in Avon Lake.

SEWER COMMITTEE REPORT

Mr. Zilka, Sewer Committee Chair, announced a Sewer Committee meeting is scheduled for February 24, 2009 at 4:30 P.M. Sewer Committee meetings will now be held at the Municipal Utilities Building.

Mr. Kniepper, Chief Utilities Executive, forwarded letters to State and Federal officials formally requesting funding for various sewer projects.

PLANNING COMMISSION REPORT

Mr. Zilka, Council Representative to Planning Commission, reported on the following items approved at the February 3, 2009 Planning Commission Meeting: a signage site plan for Michael's Ice Cream; a signage site plan for 1558 Lear Road; and revisions to the Planning Commission Rules & Regulations.

ZONING BOARD OF APPEALS

Mayor Zuber reported on the following result of the Zoning Board of Appeals meeting held January 26, 2009. An area variance was approved for property at 32066 Kossuth Alley.

PARKS & RECREATION COMMISSION REPORT

Mr. O'Donnell reported on the following topics discussed at the February 4, 2009 Parks & Recreation Commission meeting: the Aquatic Center design and the budget for the swim team, the soccer and baseball organizations, Handi-Camp, and the Women's Chorus.

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The deadline for applications for returning seasonal employees is February 13th. The Recreation Department is accepting applications for new employees.

Breakfast with the Easter Bunny is scheduled for April 4th at the American Legion Post 211.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

The next meeting of the Environmental Affairs Advisory Board is scheduled for March 4, 2009 at 6:00 P.M.

MOTIONS

Mr. Zilka moved to authorize a waiver of fees for a conditional use site plan for the Kopf Family Reservation. A storage shed will be constructed for use by the Metro Parks.

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

No: None

Motion carried.

Mr. Zilka moved to authorize a waiver of fees for the signage site plan for the Kopf Family Reservation. Planning Commission recommended waiving fees for the sign site plan since this project is for the public good and is a collaboration between the City and the Metro Parks. According to the agreement between the City and the Metro Parks, the City agreed to waive all fees for Planning Commission and other permits.

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

No: None

Motion carried.

Mr. Zilka moved to authorize a donation of \$6000 to Community Resource Services to be used for utility bills, gas cards, and grocery vouchers for clients up to 175% poverty level. CRS requested more flexibility in helping Avon Lake residents in need. These conditions will apply to any money held over from the City's previous donation.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #9515, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN TO CONSTRUCT A STORAGE SHED AT THE KOPF FAMILY RESERVATION, was read by title only.

Mr. Zilka moved for passage of Temporary Legislation #9515. This item was approved by Planning Commission and recommended to Council. The 10 foot by 16 foot storage shed will be constructed near the library and will be used by the Metro Parks.

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

No: None

Motion carried.

Ordinance No. 16-2009 adopted.

Temporary Legislation #9517, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR THE AVON LAKE BUSINESS COMMUNITY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #9517. There are 1350 businesses in Avon Lake and over 13,000 people are employed in the City. This Resolution is a means by which the City can thank the business community for helping the economic stability of Avon Lake.

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

No: None

Motion carried.

Ordinance No. 17-2009 adopted.

Second Readings:

Temporary Legislation #9519, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE CHANGING THE WAGE RATE OF SUZANNE BLISS, FIRE DEPARTMENT SECRETARY/DISPATCHER, AND DECLARING AN EMERGENCY, was read by title only.

The Human Resources Director recommended establishing a five step wage rate scale for this position. The Step 3 wage rate being recommended for this position is \$17.85 per hour.

Temporary Legislation #9522, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN NON-BARGAINING UNIT EMPLOYEES IN THE UTILITIES DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Municipal Utilities Board approved wage increases for four non-bargaining unit employees.

Temporary Legislation #9526, A RESOLUTION PROVIDING FOR THE SUBMISSION OF PROPOSED CHARTER AMENDMENTS TO A VOTE OF THE ELECTORS OF THE CITY OF AVON LAKE AT THE NEXT PRIMARY ELECTION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9526. The Charter Review Commission submitted proposed Charter amendments. Pursuant to the Avon Lake Charter, Council is mandated to place recommendations from the Charter Review Commission on the ballot. The Commission recommends repealing all or parts of Charter Sections 24, 37, and 31, which would eliminate residency requirements for the Finance Director, Law Director and the Clerk of Council.

An amendment to Section 19, which deals with the issue of power and authority of the Mayor as the chief executive officer of the City, would shift potential power from Council to the Mayor. This Council authority has rarely been used.

An amendment to Section 40 would give the Mayor the authority to appoint a Safety Director, and would shift power from Council to the Mayor.

Mr. Meiners stated that he is not in favor of eliminating the residency requirement for the Law Director since there are many highly qualified attorneys in Avon Lake.

Mrs. Fenderbosch stated that she does support eliminating the residency requirement for the Law Director in order to have an open market and the ability to choose the most talented candidate. She stressed the importance of finding a good attorney who has municipal law experience.

Mr. Rush stated that he takes exception to the amendment to Section 40 since it creates a new position and bigger government.

Mr. Stanek agreed with Mr. Rush. He stated that efforts should be made to redeploy existing assets if needed, rather than adding new expenses by creating a new position.

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

No: None

Motion carried.

Ordinance No. 18-2009 adopted.

First Readings:

Temporary Legislation #9527, A RESOLUTION PURSUANT TO SECTION 5705.19 (I) OF THE OHIO REVISED CODE SUBMITTING THE QUESTION OF A 1.25 MILL REPLACEMENT LEVY FOR THE PURPOSE OF PROVIDING FOR AMBULANCE SERVICE AND EMERGENCY MEDICAL SERVICE (E.M.S.), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9527. The current paramedic levy will expire at the end of this year. In order to continue paramedic service, the levy must be approved by the voters. The current levy is at 1.25 mills, but over time that diminishes. As the tax base of the City expands, the amount of money collected remains the same so the amount collected per unit of valuation decreases. A replacement levy would bring the collected millage back up to the full 1.25 mills. There would be a slight tax increase for property owners. The current collected millage does not fully cover the expenses incurred for paramedic services. Council may consider other revenue generating options in the future, such as "soft billing" for ambulance service.

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

No: None

Motion carried.

Ordinance No. 19-2009 adopted.

Temporary Legislation #9528, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO SIGN A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF SODIUM CHLORIDE (ROCK SALT), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9528. This agreement is necessary to obtain the best price for salt for the 2009-2010 winter season. There is a filing deadline with the State.

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

No: None

Motion carried.

Ordinance No. 20-2009 adopted.

Temporary Legislation #9529, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR MEMBERS OF THE CHARTER REVIEW COMMISSION, was read in its entirety.

The Charter Review Commission has completed its term, and Council wishes to recognize the Commission members for their service to the community.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, Avon Lake, had questions regarding the May election.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:30 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council