

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 12, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 12, 2009 at 7:30 P.M. in Council Chambers with Council President Zilka presiding.

Mr. Kos 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 DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the December 22, 2008 Regular Council Meeting were approved as amended.

PUBLIC HEARING

A Public Hearing was called to order at 7:31 P.M. upon an amendment to Section 1240.03 of the Planning & Zoning Code. This item was approved and recommended to Council by Planning Commission. The amendment will change the minimum lot width at street frontage from 60 feet to 100 feet adding clarity to the Planning & Zoning Code which will aid Planning Commission in decision making.

The Public Hearing was closed at 7:34 P.M.

LEGISLATION

Temporary Legislation #9518, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR FIREFIGHTER/PARAMEDIC ERIC WAGNER FOR SERVING HIS COUNTRY AND COMMUNITY, was read in its entirety.

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

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

No: None

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9518. Mr. Wagner was deployed to the Middle East for seven months and has returned to his duty as an Avon Lake Firefighter/Paramedic. This Resolution expresses the City's gratitude to Mr. Wagner for serving his country.

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

No: None

Motion carried.

Ordinance No. 8-2009 adopted.

Mayor Zuber presented a Certificate of Recognition to Mr. Wagner.

CORRESPONDENCE

Time Warner advised the Mayor that Time Warner will merge certain subsidiaries into other Time Warner subsidiaries. The Franchisee, Time Warner NY Cable LLC will comply with the terms of the franchise, subject to applicable law.

Time Warner Cable Business Class informed the Mayor that cable service will cease in certain areas of Avon Lake. This letter was received in error since the contract with Avon Lake does not expire until April 30, 2009. Therefore, service will not be interrupted at this time.

Gamellia Construction requested suspension of the rule requiring three readings and emergency passage of the plat approval for Gramercy Place II.

Correspondence was received from several residents in support and in opposition to the religious Christmas message on the sign in front of City Hall.

Residents have suggested that a recycling program be instituted for the telephone books left at residences.

Doty & Miller Architects offered suggestions for sustainable energy features for the proposed aquatic center.

MAYOR'S REPORT

Mayor Zuber made the following announcements:

The Capital Budget is being reviewed.

The administration met with the *Plain Dealer* to discuss ideas for the *Avon Lake Magazine* which will be published later in 2009.

The Mayor attended a meeting on regional revenue sharing on January 6, 2009. The proposed regionalism would bring together 16 northeastern Ohio counties as one region. Some area Mayors have expressed their concerns regarding regional tax sharing.

On January 9th, the Mayor and Councilman Kos met with Mr. Cordes, the County Administrator, regarding RTA bus service to Avon Lake. Bus service will continue to run through July of 2009. In order for bus service to continue in Avon Lake, the City will have to participate in some way. This item will be discussed during the upcoming budget meetings.

A meeting will be held on February 11, 2009 at 7:00 P.M. at Learwood School for residents who will be included in the automated trash pick-up pilot program. The area includes residences south of Walker Road and east of Jaycox Road.

COUNCIL PRESIDENT'S REPORT

Council President Zilka made the following announcements:

In observance of Martin Luther King Day, no Council meeting will be held on January 19th. The Collective Committee Meeting has been rescheduled to Tuesday, January 20, 2009 at 7:30 P.M. The next Regular Council Meeting is scheduled for January 26, 2009.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

The Brandstetter Carroll Inc. contract for the aquatic center design was revised to allow for a reduction to the City if the project comes in 5% or less below budget.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch, Chair of the Environmental Committee, made the following announcements.

An Environmental Committee Meeting is scheduled for January 13, 2009 at 7:00 P.M. in the Council Conference Room.

The Environmental Issues Series will resume at the Avon Lake Public Library on January 21, 2009 at 7:00 P.M. The deer population will be the topic of discussion.

FINANCE COMMITTEE REPORT

Finance Committee Chair Stanek made the following comments. Last October Council passed a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies. Since that time, the levy to finance an aquatic center was approved by the voters. Therefore, it is necessary to revise the Resolution to reflect the new tax levy.

The Audit Committee meeting scheduled for January 20th has been rescheduled to January 26, 2009 at 7:00 P.M. in the Council Conference Room.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Meiners, Human Resources Committee Chair, reported on the following items discussed at the January 12, 2008 Human Resources Committee meeting: a proposed step increase for the Fire Department Secretary/Dispatcher; and wage increases for non-bargaining unit employees in the Utilities Department.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell, Chair of the Public Service Committee, announced that a Public Service Committee meeting is scheduled for January 20, 2009 at 6:00 P.M. in the Council Chamber to discuss the aquatic center design.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Kos, Chair of the Public Utilities Committee, made the following comments. A Public Utilities Committee meeting is scheduled for January 15, 2009 at 7:00 P.M. in the Council Conference Room. The Committee will discuss the Council appointment to the Cable Advisory Commission.

SAFETY COMMITTEE REPORT

Mr. Rush, Chair of the Safety Committee, made the following comments. A Safety Committee meeting is scheduled for January 15, 2009 at 5:15 P.M. to discuss the Fire Department and Police Department budgets; the dog ordinance will not be discussed.

A future Safety Committee meeting will be scheduled in the Council Chamber to discuss the proposals for a dog ordinance.

SEWER COMMITTEE REPORT

Mr. Zilka, Sewer Committee Chair, made the following announcement. The Sewer Committee will meet on January 20, 2009 at 4:30 P.M. in the Engineering Conference Room.

The Utilities Department informed Mr. Zilka that the Cleveland Construction Cost Index has increased by 13.56%, resulting in the following adjusted fees: the trunk sanitary sewer fee is \$1617 per lot; the sanitary square foot charge is \$10.79; the 8-inch sanitary sewer front foot charge is \$56.89; and the Central Avon Lake Drainage Project tap-in fee is \$8,528.54.

PLANNING COMMISSION REPORT

Mr. Zilka, Council representative to Planning Commission, reported on the following items approved at the January 6, 2009 Planning Commission Meeting: a conditional use site plan for a storage shed and a signage site plan for the Kopf Family Reservation; the final plat for Gramercy Place 2; and a signage site plan for the Lake Road Barber Shop.

PARKS & RECREATION COMMISSION REPORT

Mr. O'Donnell reported on the upcoming Recreation Department programs.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mrs. Fenderbosch reported on the following items discussed at the January 7, 2009 Environmental Affairs Advisory Board meeting: development of the *Calming the Waters* DVD; the formation of subcommittees for study of environmental issues; the proposed household hazardous site; and the trash collection pilot program.

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

CABLE ADVISORY COMMISSION REPORT

The Cable Advisory Commission is scheduled to meet on January 15, 2009 at 7:15 P.M. at the Avon Lake High School to tour their cable television studio.

ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT

The Economic Development Advisory Board is scheduled to meet on February 5, 2009 at 5:30 P.M. in the Engineering Conference Room.

TREE COMMISSION REPORT

The Tree Commission is scheduled to meet on January 14, 2009 at 7:30 P.M. at the Old Firehouse Community Center.

AUDIENCE PARTICIPATION

Jan Van Wagner, 118 Herrmann Drive, Avon Lake, announced that Mr. Kidder of Allied Waste will be interviewed on *City Happenings 101* on January 14, 2009. The show will run from January 21 – 28 on Channel 99.

MOTIONS

Mr. O'Donnell moved to authorize the Mayor to sign a Memorandum of Understanding with Allied Waste (n.k.a.) Republic Service Inc.

The Memorandum of Understanding authorizes a pilot program for automated trash pick-up for residences located south of Walker Road and east of Jaycox Road. According to the pilot program, curbside service changes will be made to comply with the updated Lorain County Solid Waste Management District plan. Customer payments for the new curbside service will remain the same. Senior citizens will have the option of being supplied with a 68 gallon cart or a 96 gallon cart. Carts will remain the property of Allied Waste. Allied Waste will continue to provide curbside recycling and yard waste service to all residents of Avon Lake.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Mayor sign an agreement for a feasibility study for the Pin Oak Parkway westerly extension. The study shall not exceed \$10,000.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #9501, AN ORDINANCE AMENDING CHAPTER 220.01 (a) OF THE CODIFIED ORDINANCES, ENTITLED MEETINGS, was read by title only.

According to the Codified Ordinances, Council is required to meet on the second and fourth Mondays of December. This amendment will allow Council flexibility in rescheduling meetings in December when they fall near a holiday.

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

No: None

Motion carried.

Ordinance No. 1-2009 adopted.

Temporary Legislation #9505, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH BRANDSTETTER, CARROLL, INC., AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9505.

The professional service agreement with Brandstetter, Carroll, Inc. is for an aquatic center design at a total cost of \$278,750, with a LEED design not to exceed \$4000. After discussion and concerns by Council, the professional service agreement was reduced by \$31,000 and the LEED design was reduced by \$4000. Mr. O'Donnell asked Mrs. Fenderbosch to handle the LEED design issues. He asked Mr. Stanek to keep track of the pool expenses to be sure they do not exceed the budgeted amount.

Mr. Stanek stressed the importance of developing a standard procedure for considering future contracts to ensure a smooth, efficient process in order to have a contract which is fair to the City and the contractor.

Mrs. Fenderbosch stated that she submitted to Mr. Parker of Brandstetter Carroll 37 ideas for LEED design that could be incorporated into the aquatic center design.

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

No: Meiners

Motion carried.

Ordinance No. 2-2009 adopted.

Second Reading:

Temporary Legislation #9499, AN ORDINANCE AMENDING CHAPTER 1240.03 OF THE PLANNING & ZONING CODE, ENTITLED LOT REGULATION, was read by title only.

This item was approved by Planning Commission. This amendment will change the minimum lot width at street frontage from 60 feet to 100 feet and will prevent the creation of flag lots and other irregularly shaped lots. The revision will allow for orderly development and will prevent overcrowding. The required Public Hearing was held earlier in the meeting.

First Readings:

Temporary Legislation #9510, AN ORDINANCE AMENDING CHAPTER 260.08 OF THE CODIFIED ORDINANCES, ENTITLED HEALTH INSURANCE, 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, Stanek, Zilka, Fenderbosch

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9510. This Ordinance will approve the new health insurance rates for Avon Lake City employees, and will authorize payroll deductions for employee contributions for health care insurance. These revisions are in conjunction with the collective bargaining negotiations and do affect the Utilities Department since their contract includes a provision requiring the revisions to be adopted even though their contract did not expire at the end of 2008. The new health insurance contract will save the City an excess of \$118,000 over the next three years.

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

No: None

Motion carried.

Ordinance No. 3-2009 adopted.

Temporary Legislation #9511, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES BY DELETING SECTION 260.095, ENTITLED DENTAL AND EYE CARE INSURANCE, 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, Stanek, Zilka, Fenderbosch

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9511. This section of the Codified Ordinances is being deleted due to redundancy. Employees are entitled to dental and eye care insurance pursuant to Codified Ordinance Section 260.08.

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

No: None

Motion carried.

Ordinance No. 4-2008 adopted.

Temporary Legislation #9512, AN ORDINANCE REQUESTING THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.03, TO CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.25 MILL RENEWAL LEVY, A 1.25 MILL REPLACEMENT LEVY, AND A 1.50 MILL REPLACEMENT LEVY, FOR THE PURPOSE OF PARAMEDIC EXPENSES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9512. The paramedic levy expires this year. In order to continue paramedic services in Avon Lake, it is necessary to ask the voters to approve a continuation of the levy. The City is requesting the County Auditor to supply three different valuations to determine which levy will be in the best interests of the City for continuation of the appropriate services. This will appear on the May ballot.

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

No: None

Motion carried.

Ordinance No. 5-2008 adopted.

Temporary Legislation #9513, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE CHANGING THE WAGE OF JEREMY ZIMMER, PRODUCTION ASSISTANT, 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, Stanek, Zilka, Fenderbosch

No: None

Motion carried.

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Mr. Meiners moved for passage of Temporary Legislation #9513. The Cable Studio Manager recommended a wage increase for Mr. Zimmer from \$12.00/hr to \$12.36/hr, effective December 1, 2008.

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

No: None

Motion carried.

Ordinance No. 6-2009 adopted.

Temporary Legislation #9514, AN ORDINANCE CONFIRMING THE APPOINTMENT OF KATHLEEN NOVOTNY TO THE POSITION OF CLERK OF COURT IN THE AVON LAKE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, 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, Stanek, Zilka, Fenderbosch

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9514. Judge Bilancini appointed Mrs. Novotny to the position of Clerk of Court effective January 1, 2009 with an annual salary of \$40,000.

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

No: None

Motion carried.

Ordinance No. 7-2009 adopted.

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.

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.

Temporary Legislation #9516, AN ORDINANCE APPROVING THE FINAL PLAT FOR GRAMERCY PLACE PHASE 2, AND DECLARING AN EMERGENCY, was read by title only.

This item was approved by Planning Commission and recommended to Council. The final phase consists of 11 sublots on 5.956 acres of land and will create the remainder of Gramercy Lane and Balthazar Circle.

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

There are 1350 businesses in Avon Lake and over 13,000 people employed in Avon Lake. This Resolution is a means by which the City can thank them for choosing Avon Lake and for helping the economic stability of the City.

AUDIENCE PARTICIPATION

The following individuals expressed their opposition to breed specific language in the Avon Lake dog ordinance.

- Lorene Coughlin, 174 Parkwood, Avon Lake
- Shawna Klein, a resident of Bratenhal, Ohio and President of Canine Advocates of Ohio
- Dawn Streator, a resident of North Ridgeville, Ohio
- Dan Haude, 315 West Creek Court, Avon Lake
- Kristy Haude, 33259 Ambleside Drive, Avon Lake

Mr. Rush made the following comments. He received a proposed dog ordinance from Mr. Haude, which was circulated to Council members and the Prosecutor. At the request of Council, the Prosecutor had previously drafted a dog ordinance modeled after Ohio law. The purpose of the upcoming Safety Committee meeting is to review the proposed ordinances and adopt the best possible one for Avon Lake.

Law Director Kerner made the following comments. Mr. Ruelbach, the Avon Lake Prosecutor, was asked to prepare revisions to the current Avon Lake dog ordinance. The main concern was to allow due process for owners of dogs which have been determined to be dangerous or vicious. Mr. Kerner stressed that it is not the duty of the Law Department to dictate which dog ordinance will be adopted; the decision will be made by Council upon the recommendation of the Safety Committee.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:55 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council