

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 26, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 26, 2009 at 7:30 P.M. in Council Chambers 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 January 5, 2009 Special Council Meeting were approved as prepared and published; the minutes of the January 12, 2009 Regular Council Meeting were approved as amended.

CORRESPONDENCE

Time Warner announced channel changes due to contract changes with networks and standardization of channel positions across the region.

A letter was received from Lorene Coughlin of 174 Parkwood Avenue regarding breed specific dog legislation.

MAYOR'S REPORT

Mayor Zuber made the following announcements:

Council held a budget meeting on January 24, 2009. There is a shortfall of approximately \$1.4 million dollars. The City has a carry-over from last year to cover the amount. The administration will examine areas in which the budget may be reduced.

The administration met with Dan Billman of Lorain County Solid Waste Management District on January 13, 2009 regarding a hazardous waste program. The City will pursue a County grant for the program.

On January 16, 2009, the City experienced a critical event due to ice blockage on the intake pipe from Lake Erie into the water plant. The Code Red warning system was implemented. The Chief Utilities Executive is investigating solutions to prevent this problem in the future.

January 26, 2009 Council Meeting Minutes

The administration will visit swimming pools in Bay Village, Willoughby Hills, and Wickliffe to get ideas for the proposed aquatic center.

The CRS Charity Ball is scheduled for January 31, 2009.

The St. Jude Dream Home groundbreaking ceremony is scheduled for February 2, 2009 at 4:00 P.M. at Current Village.

COUNCIL PRESIDENT'S REPORT

Council President Zilka made the following announcements:

The next Collective Committee Meeting is scheduled for February 2nd. The next Regular Council Meeting is scheduled for February 9th.

A motion will be added to the agenda waiving fees for the St. Jude Dream Home. This item was discussed at the January 20, 2009 Collective Committee Meeting.

Budget meetings were held on Saturday, January 24, 2009.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

FINANCE DIRECTOR'S REPORT

Finance Director DiLellio reported that the State Auditor has completed and released the City's audit. It is available on the State Auditor's website and at City Hall. Mr. Zilka suggested having a copy of the audit available at the Avon Lake Public Library.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch, Chair of the Environmental Committee, reported on the following items discussed at the Environmental Committee meeting held January 13, 2009: the repeal of the Air Pollution Control ordinance; an operational budget for the Environmental Affairs Advisory Board; telephone book recycling; a recycling bank; a community shred day, and an e-collection day.

The *Environmental Series* will continue at the Avon Lake Public Library on January 28, 2009 at 7:00 P.M.; the topic is "Rain Gardens".

A wind turbine information meeting is scheduled for February 3, 2009 at 10:30 A.M. in Lorain.

FINANCE COMMITTEE REPORT

Finance Committee Chair Stanek made the following comments regarding the budget meeting held on January 24th. There is a \$1.4 million gap in the budget versus the anticipated receipts. Council was able to pare that down in its initial review to approximately \$1.3 million. A \$47,000 transfer inadvertently appeared in two separate departments; decreases of approximately \$50,000 were made. The Mayor will continue meeting with Department Heads to review their budgets, and Council will also review the proposed department budgets to make recommendations for potential changes. At this point, Council has not recommended any decrease in personnel. A \$3.3 million carry-over exists in the general fund to help the City with shortfalls. Mid-year adjustments might be needed.

An Audit Committee meeting was held on January 26, 2009. The November/December financial statements were reviewed and accepted as submitted by the Finance Director.

The Paramedic Levy is due to expire this year. It will appear on the May ballot as either a renewal levy or a replacement levy. A 1.25 mill renewal levy would bring in approximately \$964,000 per year; this would be a renewal of the current levy and would continue to collect at approximately .98 mills, which is the current effective millage. As additional property comes into the City, the effective millage on each individual piece of property decreases over time. A 1.25 mill replacement levy, which would take the collections back up to a full 1.25 mills per piece of property, would bring in approximately \$1,162,000. A 1.5 mill replacement levy would bring in approximately \$1,378,000. Council will review these options and discuss them at the Collective Committee Meeting on February 2, 2009. Council's goal is to continue to provide the level of paramedic services which residents expect in the most cost effective way. A 1.25 mill replacement levy would cost the owner of a \$200,000 property approximately \$76.50 per year, which would be a \$15.00 increase over the current amount.

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 January 20, 2009. The pool committee made recommendations for changes in the aquatic center design. The recommended changes were a result of researching pools in surrounding communities in terms of aquatic activities, building materials, etc. The Committee considered which features work best in other communities and which features should be avoided. Following are the changes being considered: a lazy river addition; conversion of a diving well into the main pool; and a park entrance on the Brookfield Drive side. The Committee is also considering a family slide, emergency access, tree removal and replanting, a bathhouse; a spray ground; filtering systems; and slide location.

The next pool discussion will be held at the Parks & Recreation Commission meeting on January 28, 2009. A public input meeting will be held in February. Mrs. Fenderbosch and Mr. Parker of Brandstetter Carroll will review a number of energy saving and LEED features.

The Public Service Committee discussed the Mayor's suggestion of possibly forming a partnership with ABC Company for paper recycling at no cost to the City.

Due to budget constraints, the traffic signal upgrade project will not be pursued at this time.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Kos, Chair of the Public Utilities Committee, reported on the following items discussed at the January 15, 2009 Public Utilities Committee Meeting: the Council appointment to the Cable Advisory Commission; and digital television conversion.

Residents can register at 1-888-382-1222 from their cell phones to be placed on the cell phone do not call list.

First Energy turned electricity off in certain areas of the City during the week of January 19th to perform replacement and upgrade work. Mr. O'Donnell questioned this practice of non-emergency work in extreme cold weather. Mayor Zuber stated that the City has no control over the work schedule of First Energy and that a notice was posted on the City website.

SAFETY COMMITTEE REPORT

Mr. Rush, Chair of the Safety Committee, reported on the following items discussed at the January 15, 2009 and the January 22, 2009 Safety Committee Meetings: the Police and Fire Department budgets; and the vicious dog ordinance. The current dog ordinance does not ban any specific breed of dog. However, the Avon Lake ordinance mirrors the Ohio Revised Code which identifies certain breeds as vicious. The Safety Committee is working to revise the current Avon Lake dog ordinance to add due process language for dog owners.

SEWER COMMITTEE REPORT

Mr. Zilka, Sewer Committee Chair, reported on the following items discussed at the January 20, 2009 Sewer Committee Meeting: planned sewer improvements for 2009 which include Jaycox Road and Curtis Drive sewer separation, waste water plant renovation, and the Lake Road stormwater storage facility.

The Sewer Committee is scheduled to meet on February 24, 2009 at 4:30 P.M. at the Municipal Utilities Building.

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. All these items were approved by Planning Commission.

PARKS & RECREATION COMMISSION REPORT

A Parks & Recreation Commission meeting is scheduled for January 28, 2009 at 7:00 P.M. The proposed aquatic center will be discussed.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

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

CABLE ADVISORY COMMISSION REPORT

Mr. Kos reported on the Avon Lake Cable Studio Manager's report, and the tour of the Avon Lake High School cable studio taken by the Cable Advisory Commission.

MOTIONS

Mr. Zilka moved to add a motion to the agenda authorizing the waiver of building fees for the St. Jude Dream Home.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for sand dredging at the Miller Road Park boat launch. Sand dredging is done annually to maintain the boat launch.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for the Walker Road Turn Lane Project. This project is part of the Street Program and is partially funded through a State grant.

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

No: None

January 26, 2009 Council Meeting Minutes

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for the Walker Road Asphalt Overlay Project. This project encompasses the area from Route 83 to Lear Road and will be partially funded through a State grant.

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

No: None

Motion carried.

Mr. Kos moved to appoint Tim McNeill to the Cable Advisory Commission. Mr. Kos reviewed Mr. McNeill's qualifications.

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

No: None

Motion carried.

Mr. Zilka moved to amend the 2009 Council Meeting Schedule. With the revision of the Council Rules, Council has some flexibility in scheduling Council meetings around holidays in the month of December. The 2009 Council Meeting Schedule will be revised to reschedule the December 28th Council Meeting to December 21st following the Collective Committee Meeting.

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

No: None

Motion carried.

Mr. Zilka moved to waive the building fees for the St. Jude Dream Home. Gamellia Construction will construct a home to be raffled as a fundraiser for the St. Jude Hospital.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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

Mr. Zilka moved for passage of Temporary Legislation #9499. 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.

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

No: None

Motion carried.

Ordinance No. 9-2009 adopted.

Second Readings:

Temporary Legislation #9515, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN TO CONSTRUCT A STORAGE SHED AT THE KOPF FAMILY RESERVATION, AND DECLARING AN EMERGENCY, 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.

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 #9516. 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.

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

No: None

Motion carried.

Ordinance No. 10-2009 adopted.

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 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.

First 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 #9520, AN ORDINANCE ESTABLISHING A FUND NUMBER TO RECORD REVENUES FOR THE PROPOSED AQUATIC CENTER, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9520. A fund must be established in order for the Finance Director to properly account for revenues and expenditures related to the proposed aquatic center.

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

No: None

Motion carried.

Ordinance No. 11-2009.

Temporary Legislation #9521, AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS, ADVANCES, AND ADJUSTMENTS IN ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9521. Certain adjustments and transfers in the amount of \$282,750 are needed for the newly established Pool Construction Fund for the architectural design contract for the proposed aquatic center. The advance will come from the Improvement Fund and will be reimbursed when the bonds are issued.

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

No: None

Motion carried.

Ordinance 12-2009 adopted.

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 #9523, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 208, ENTITLED GENERAL FEE SCHEDULE, 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 #9523. There have been increases in the Cleveland Construction Cost Index, which necessitates changes to the Utilities Department fee schedule.

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

No: None

Motion carried.

Ordinance No. 13-2009 adopted.

Temporary Legislation #9524, AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO CONTINUE PURSUING LEGAL DEFENSE RELATIVE TO A SIDEWALK IMPROVEMENT ASSESSMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9524. The case of Anthony Abram et al. v. the City of Avon Lake et al. is in the Court of Common Pleas. The

January 26, 2009 Council Meeting Minutes

Law Director has requested additional funds not to exceed \$3000 to continue in the defense of the City.

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

No: None

Motion carried.

Ordinance No. 14-2009 adopted.

Temporary Legislation #9525, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9525. A similar Resolution was passed in October of 2008, which needs to be updated to include the levy for an aquatic center which was approved by the electorate.

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

No: None

Motion carried.

Ordinance No. 15-2009 adopted.

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.

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 Charter Sections 24, 37, and 19, 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.

AUDIENCE PARTICIPATION

Jan Van Wagner, 119 Herrmann Drive, Avon Lake, addressed Council regarding the lack of a solution to address the deer population in Avon Lake.

Referring to a recent Environmental Issues symposium at the Avon Lake Public Library regarding the deer population, Mr. Meiners pointed out that no solution or plan was offered for legal deer control in Avon Lake.

Mrs. Fenderbosch stated that the symposium was informational and that it is up to the City to decide how to proceed.

Chris Quinlan, 73 Community Drive, Avon Lake, commented on the new barber shop in Avon Lake.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Approved: _____
Council President

Attest: _____
Clerk of Council