

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JULY 9, 2012**

The regular meeting of the Avon Lake Municipal Council was called to order on July 9, 2012 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

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

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

PROCLAMATION

Mayor Zilka presented Julia Jantz with a proclamation in honor of the recognition and scholarship she received for her essay, "Stop the Hate: Youth Speaks Out".

MAYOR'S REPORT

Mayor Zilka made the following announcements.

The fireworks took place on July 3rd at Weiss Field. The Honor Guard of American Legion Post 211 provided the pageantry to begin the event. Two bands provided entertainment.

The next "Movie Under the Stars" is scheduled for August 3rd at Walker Road Park.

A special election will take place on August 7th. The paramedic levy and three Charter amendments will appear on the ballot.

On July 3, 2012 there was a drowning at Miller Road Park beach behind the power plant. At 6:30 P.M. the Avon Lake safety forces received an emergency call reporting that two swimmers were in distress. The Avon Lake Fire Department search and rescue team was assisted by Sheffield Lake Fire and Police, Avon Fire, and the U.S. Coast Guard. Due to the conditions of the Lake and lack of lighting, the search was suspended at 11:30 P.M. At 7:30 A.M. on July 4th, the body was discovered by security personnel at the GenOn power plant.

COUNCIL PRESIDENT'S REPORT

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Council President O'Donnell made the following announcements.

Council will be on recess from July 10th through August 19th with meetings resuming on August 20th with a Collective Committee meeting.

Mr. O'Donnell asked voters to support the paramedic levy and the three Charter amendments which will appear on the August 7, 2012 special election ballot.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Department report on pending litigation was distributed.

FINANCE DIRECTOR'S REPORT

Finance Director Bryan reported that the refunding of the 2003 recreation facilities bonds and the 2003 various sewer project bonds has been completed. The total savings will be \$685,246.91.

PUBLIC UTILITIES COMMITTEE REPORT

There was a brief power outage in Avon Lake due to a fallen tree limb.

SEWER COMMITTEE REPORT

The next Sewer Committee meeting is scheduled for September 13, 2012 at 6:30 P.M. in the Engineering Conference Room.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission and Public Service Committee recommended an amendment to Veterans Memorial Park Rules and Regulations to allow pets in the park. The law prohibiting dogs in the park has not been enforced in many years and residents have expressed their desire to continue visiting the park with their dogs.

Recreation Director Gerrone made the following comments. Dogs will be allowed in the park, but not on the swimming beach or in adjacent swim areas of Lake Erie. Dogs will not be permitted in the memorial structure area. Dogs will be permitted in the Lake in the area west of Heider Creek. Leash laws will be in effect in the park.

MOTIONS

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Mr. O'Donnell moved to authorize the advertisement for bids for centerline and edge line striping.

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved to authorize the advertisement for bids for the 2012 Concrete Street Program Phase 2. The City received very good bids for the concrete street program which resulted in a surplus of \$82,000 in the street repair budget. Therefore, Phase 2 of the project can be implemented to include Brunswick Drive and portions of the area.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved to accept the resignation of Jason Hamman from Planning Commission effective June 6, 2012.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved appoint James Davis to Planning Commission for a term expiring December 31, 2016. Council interviewed two candidates who submitted resumes for the position.

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

No: None

Absent: Kos

Motion carried.

LEGISLATION

Mr. James moved to add to the agenda Temporary Legislation #10034, instructing the Mayor, as Director of Public Safety, to install additional signage at Miller Road Park. This legislation has been discussed various times within the City and by Council committees.

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

No: None

Absent: Kos

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Motion carried.

Third Readings:

Temporary Legislation #9993, AN ORDINANCE AMENDING CHAPTER 1262 OF THE PLANNING & ZONING CODE, ENTITLED SIGN REGULATIONS, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9993. This amendment to the Code sets the maximum sign area for historic landmark plaques.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 99-2012 adopted.

Temporary Legislation #9994, AN ORDINANCE AMENDING CHAPTER 1268 OF THE PLANNING & ZONING CODE, ENTITLED HISTORIC PRESERVATION REGULATIONS.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9994. This amendment will allow for official historic landmark plaques to be installed on sites that have been approved as historic sites.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 100-2012 adopted.

Second Readings:

Temporary Legislation #10018R, AN ORDINANCE AUTHORIZING PAYMENT OF A PROMISSORY NOTE TO NOEL ILG FOR LAND ACQUISITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10018R. This payment in the amount of \$20,000 is the second installment payment for land purchased from

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Mr. Ilg for park purposes. There is one more installment payment in the amount of \$20,000. Seventy-five percent of the total purchase price of the land was funded by a Clean Ohio grant.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 101-2012 adopted.

Temporary Legislation #10020R, AN ORDINANCE DECLARING THE CITY OF AVON LAKE'S SUPPORT FOR A COUNTYWIDE LAND BANK AND AUTHORIZING THE MAYOR TO ENTER INTO DISCUSSIONS WITH COUNTY GOVERNMENT AND OTHER MUNICIPAL PARTNERS TO JOIN THE COUNTYWIDE LAND BANK, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10020R. This legislation has been modified since the first reading. The land bank has already been implemented and this ordinance expresses Avon Lake's desire to join the land bank. Council added language stating that Council encourages the Land Reutilization Corporation to change the composition of the Board to include a representative from the City of Elyria, a representative from townships of Lorain County, and a representative from either Avon, Avon Lake, or North Ridgeville.

Mr. O'Donnell stated that it is not necessary to have all three County Commissioners on the Board and that the Board should have representation from the eastern communities of the County since funds will be taken from those communities.

Yes: James, O'Donnell, Shondel, Bucci, Fenderbosch

No: Meiners

Absent: Kos

Motion carried.

Ordinance No. 102-2012 adopted.

Temporary Legislation #10025R, AN ORDINANCE ESTABLISHING A JOB CREATION INCENTIVE PROGRAM, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #10025R. The Economic Development Committee developed a job growth incentive program which is one part of the five prong strategy to enhance economic development initiatives and activities in Avon Lake. Basically, the program looks at the income tax collections of Avon Lake businesses. Whenever that figure increases for a particular business, that business will receive back 25% of the increase as an incentive to continue growing and doing business in Avon Lake.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 103-2012 adopted.

First Readings:

Temporary Legislation #10026, AN ORDINANCE PROVIDING FOR TRANSFERS OF FUNDS, AMENDMENTS TO PERMANENT APPROPRIATIONS, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10026. The Finance Director determined that certain financial adjustments are needed for the necessary expenses of the City.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 104-2012 adopted.

Temporary Legislation #10027, AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AVON

LAKE, THE CITY OF SHEFFIELD LAKE, AND SHEFFIELD VILLAGE FOR SHARED JURISDICTIONAL AUTHORITY FOR ENFORCEMENT OF THE OHIO BUILDING CODE, AND DECLARING AN EMERGENCY, was read by title only.

The Chief Building Official informed the Mayor of a law passed by the State of Ohio that requires jurisdictions where joint structures are located across municipal boundaries to work in a cooperative manner. A Memorandum of Understanding is necessary for a cooperative agreement between the City of Avon Lake, the City of Sheffield Lake, and Sheffield Village to administer the permits and inspections of Ford Motor Company. The Law Directors of the jurisdictions have approved the Memorandum of Understanding.

Temporary Legislation #10028, AN ORDINANCE AUTHORIZING THE PURCHASE OF MOBILE DATA COMPUTERS FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10029. The Fire Chief requested authority to purchase computers for the 911 central dispatch system. Computer upgrades are needed to take part in the program. The computers will be purchased from Data911 through the State Purchasing Program. The total cost is \$79,311.00.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 105-2012 adopted.

Temporary Legislation #10029, A RESOLUTION PURSUANT TO SECTION 5705.19 (I) OF THE OHIO REVISED CODE SUBMITTING THE QUESTION TO THE ELECTORATE OF A 1.25 MILL REPLACEMENT LEVY WITH A .75 INCREASE TO EQUAL A 2.0 MILL LEVY FOR THE PURPOSE OF PROVIDING AMBULANCE AND EMS SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

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Absent: Kos
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10029. If the levy fails at the August 7, 2012 special election, this ordinance will give the City the authority to place the issue on the November 6th general election ballot.

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

Ordinance No. 106-2012 adopted.

Temporary Legislation #10030, AN ORDINANCE AWARDED A CONTRACT FOR THE 2012 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #10030. Nine bids were received for the 2012 asphalt street program. Precision Paving submitted the low bid of \$268,721.20.

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

Ordinance No. 107-2012 adopted.

Temporary Legislation #10031, AN ORDINANCE AWARDED A CONTRACT FOR THE 2012 CONCRETE STREET REPAIR PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

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Mr. O'Donnell moved for passage of Temporary Legislation #10031. Seven bids were received for the 2012 concrete street program. Denes Concrete submitted the low bid of \$239,442.50. Denes Concrete has performed work previously in the City.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 108-2012 adopted.

Temporary Legislation #10032, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10032. The OPWC Round 27 grant applications are due September 7, 2012. The grant will cover approximately 59% of the cost of the project and will be applied to improvements at the Walker Road/Jaycox Road intersection for construction in 2014. This improvement is in anticipation of the new I-90 interchange at Lear Road.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 109-2012 adopted.

Temporary Legislation #10033, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1070.04, ENTITLED VETERANS MEMORIAL PARK RULES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10033. This amendment will permit visitors to bring pets into Veterans Memorial Park. Dogs will not be permitted on the beach or swim areas, and all leash and pet clean-up laws will be enforced.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 110-2012 adopted.

Temporary Legislation #10034, AN ORDINANCE INSTRUCTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO INSTALL ADDITIONAL SIGNAGE AT MILLER ROAD PARK, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. James moved for passage of Temporary Legislation #10034. This ordinance will address the issue of additional signage at Miller Road Park. The Mayor will have discretion in determining the location and language of the signage and how information will be communicated to patrons of the park. Mr. James stressed that the portion of the park owned by Avon Lake is a safe area for water recreation. The unsafe area is located on the GenOn property and in Lake Erie itself which is owned by the State of Ohio. It is important for patrons of the Avon Lake beach to be aware of nearby hazards. Mrs. Fenderbosch pointed out the dangers behind the GenOn plant are not caused by rip tides but by the discharge of water from the plant. She recommended that maps be displayed at the beach to alert patrons of the hazardous areas.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 111-2012 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

The Avon Lake Wine Festival will take place on July 13, 2012 at Veterans Memorial Park from 4:00 P.M. until sunset.

The July 10th Planning Commission meeting has been cancelled.

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July 27, 2012 is the 59th anniversary of the Korean War armistice. American Legion Post 211 will hold a ceremony on September 25, 2012 to recognize Korean War veterans from Avon Lake and surrounding communities. Anyone who knows of a Korean War veteran should contact the KW 60 Commemoration Committee, Avon Lake Post 211, 31972 Walker Road.

PUBLIC INPUT

Rebecca Vento, 206 Brookfield Road, Avon Lake, addressed Council on the safety concerns at Miller Road Park beach and her attempt to raise awareness of the dangers of the Lake.

Mike Sweeney, 572 Bridgeside Drive, Avon Lake, expressed his concern with the lack of signage at Miller Road Park beach.

Mr. Meiners moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 8:58 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council