

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MARCH 23, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on March 23, 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, 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.

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

APPROVAL OF MINUTES

The minutes of the March 2, 2009 Special Council Meeting and the March 9, 2009 Regular Council Meeting were approved as prepared and published.

CORRESPONDENCE

The Lorain City Health Department informed the City their staff will be reduced to a four-day work week and the office will be closed every Friday, beginning April 3, 2009. There will be a reduction in the fall flu clinics and the children's immunization clinics beginning in May.

The Lorain County Board of Commissions is soliciting funding requests for 2009 Community Development Block Grant applications.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The administration has been meeting with representatives of corporations in Avon Lake.

Reliant Energy will permit the City to use their property at Miller Road Park for the breakwall construction and for parking at the July 4th Arts Festival.

The Mayor delivered the State of the City Address to the Kiwanis Club.

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The Mayor and the Service Director met with Grant Thompson from the Metro Parks regarding improvements at the Kopf Family Reservation.

The paper recycling program will begin at City buildings. As part of the program, there will be community shred days at no cost to the City.

The North Coast Chamber of Commerce Mayors Annual Luncheon is scheduled for March 25, 2009 at 11:30 A.M. at Tom's Country Place.

The Mayor is working to finalize a household hazardous waste program.

COUNCIL PRESIDENT'S REPORT

Council President Zilka made the following announcements.

March 30th is the fifth Monday of the month, and no meeting is scheduled.

The next Collective Committee meeting is scheduled for April 6th. The next Regular Council meeting is scheduled for April 13th.

The five Charter amendments which will appear on the May 5th ballot will be published in the Avon Lake Press on April 8th and April 15th.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch, Chair of the Environmental Committee, made the following announcements: a Work Session regarding wind turbines is scheduled for April 20, 2009 at 7:30 P.M.; the Environmental Issues Series will continue on Wednesday, March 25th 2009 at 7:00 P.M. at the Avon Lake Public Library. The topic is "Home Energy Efficiency and Remodeling."

FINANCE COMMITTEE REPORT

Mr. Stanek, Finance Committee Chair, made the following comments.

An Audit Committee meeting was held on March 16, 2009; the financial statements through the month of February were reviewed and approved. The income tax revenues are running at approximately where they have been budgeted for the year.

A Finance Committee meeting is scheduled for April 6, 2009 at 6:00 P.M. Mike Sharb from Squire, Sanders, & Dempsey will be present to discuss bond options, and representatives from Data Core will discuss the City's computers and software.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell, Chair of the Public Service Committee, reported on the following topics discussed at the March 23, 2009 Public Service Committee meeting: the grounds maintenance contract for City buildings; the pilot trash pick-up program; and the 2009 Street Program. The Mayor stated that residents included in the pilot program will receive unlimited trash pick-up according to the contract between the City and Allied Waste.

SEWER COMMITTEE REPORT

Mr. Zilka, Sewer Committee Chair, reported that a quorum was not present at the Sewer Committee meeting scheduled for March 17, 2009; Mr. Zilka, Mr. Reitz, Mr. Kniepper, and Mr. Eberle discussed the redesign of the Storm Drainage Master Plan. The next Sewer Committee meeting is scheduled for April 21, 2009 at 4:30 P.M.

PLANNING COMMISSION REPORT

Planning Commission will meet on April 7, 2009 at 7:30 P.M.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet on March 25, 2009 at 7:00 P.M.

ECONOMIC DEVELOPMENT ADVISORY BOARD

The Economic Development Advisory Board is scheduled to meet on April 2, 2009 at 5:30 P.M.

CABLE ADVISORY COMMISSION

Mr. Kos reported on the following topics discussed at the March 19, 2009 Cable Advisory Commission meeting: the 2009 cable studio budget; the Time Warner cable franchise agreement; and the selection of a chairperson. The next meeting of the Cable Advisory Commission is scheduled for April 16, 2009 at 7:15 P.M.

TREE COMMISSION

Mr. O'Donnell reported on the following items discussed at the March meeting of the Tree Commission: street tree planting and trimming; and treatment for the emerald

ash borer. Arbor Day will be celebrated in Avon Lake on April 26, 2009 at 11:00 A.M. at Weiss Field.

MOTIONS

Mr. Rush moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating that the City does not request a hearing in the matter of a liquor license transfer from 3rd Base Bar & Grill, Inc. to Jennie May, Inc. located at 118 Moore Road. The Police Chief has no objections to this transfer.

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

No: None

Absent: Meiners

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #9530, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE BY REPEALING CHAPTER 1472, ENTITLED AIR POLLUTION, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9530. The Environmental Committee of Council and the Environmental Affairs Advisory Board voted to recommend the repeal of Codified Ordinance Chapter 1472 since the duties outlined in this Chapter fall under the authority of the Ohio EPA.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 27-2009 adopted.

Temporary Legislation #9532R2, AN ORDINANCE AMENDING RESOLUTION 178-2008 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Stanek moved for passage of Temporary Legislation #9532R2. This ordinance establishes the budget for 2009 and amends the temporary budget which was approved on December 28, 2008. There is shortfall of over \$1,000,000 in revenue versus expenditures for the current fiscal year. Carryover funds from previous years will cover the shortfall this year. The budget will be reviewed again in June for possible budget adjustments for the second half of the year.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 28-2009 adopted.

Temporary Legislation #9533R2, AN ORDINANCE PROVIDING FOR BUDGETED TRANSFERS FOR FISCAL YEAR 2009, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Stanek moved for passage of Temporary Legislation #9533R2. This ordinance allows for transfers to be made between funds to accommodate expenditures.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 29-2009 adopted.

Temporary Legislation #9534R, AN ORDINANCE PROVIDING FOR ADVANCES TO CERTAIN FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Stanek moved for passage of Temporary Legislation #9534R. This Ordinance allows for advances to be made into accounts for expenditures in anticipation of that money being replenished from other sources in the future.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 30-2009 adopted.

Temporary Legislation #9535R2, AN ORDINANCE PROVIDING FOR CHANGES IN ESTIMATED RESOURCES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Stanek moved for passage of Temporary Legislation #9535R2. Adjustments in estimated resources are needed to accommodate the final budget.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 31-2009 adopted.

Second Readings:

Temporary Legislation # 9536, AN ORDINANCE ADOPTING A RECOMMENDATION OF THE HUMAN RESOURCES COMMITTEE, CHANGING THE WAGE RATE OF LISA GOODWIN, RECREATION PROGRAM COORDINATOR, AND DECLARING AN EMERGENCY, was read by title only.

This 2% wage increase was recommended by the Recreation Director and was approved by the Human Resources Committee. The new rate is \$13.77/hr effective January 1, 2009.

Temporary Legislation #9538, AN ORDINANCE APPROVING A REVISION TO THE PRELIMINARY PLAN FOR GRAMERCY PLACE, PHASE 3.

This item was approved by Planning Commission. The revision includes changes to the requirements for front and rear yard setbacks and minimum lot width.

Temporary Legislation #9539, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9539. The property owner at 33790 Lake Road requested permission to repair an existing seawall. This Resolution is required by the Ohio Department of Natural Resources.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 32-2009 adopted.

First Readings:

Temporary Legislation #9541, AN ORDINANCE AWARDING A CONTRACT FOR THE WALKER ROAD MILL AND FILL PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9541. Burton Scot Contactors submitted the low bid of \$721,485.69; nine bids were received. The project includes the area from Route 83 to the Bay Village line.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 33-2009 adopted.

Temporary Legislation #9542, AN ORDINANCE ESTABLISHING A PAY GRADE AND STEP FOR THE FIRE DEPARTMENT SECRETARY/DISPATCHER, was read by title only.

The Human Resources Director recommended establishing a pay grade and step for the Fire Department Secretary/Dispatcher pursuant to Codified Ordinance Section 258.09. The recommended pay grade is based on the pay grade in the collective bargaining agreement.

Temporary Legislation #9543, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PROFESSIONAL AND ENVIRONMENTAL CONSULTING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9543. The contract is with HzW Environmental Consultants for an amount not to exceed \$34,865 for monitoring the closed landfill at the Service Department.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 34-2009 adopted.

ADJOURNMENT

Mr. O'Donnell moved to adjourn.

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

No: None

Absent: Meiners

Motion carried.

Adjournment: 8:15 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council