

**MINUTES OF THE RESCHEDULED MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD JUNE 22, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on June 22, 2009 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mr. O'Donnell led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: 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 June 1, 2009 Special Council Meeting and the June 8, 2009 Regular Council Meeting were approved as prepared and published.

**PUBLIC HEARINGS**

A Public Hearing upon the 2010 Tax Budget was called to order at 7:34 P.M.

The tax budget is the first step in the annual budgetary process. Finance Director DiLellio explained that the major purpose of the tax budget is to form a framework of the 2010 revenues that the Lorain County Budget Commission will certify when the budgets are complete. It also justifies the City's property tax revenues. The estimated total from property taxes is \$5,476,000.

The Public Hearing was closed at 7:36 P.M.

A Public Hearing upon an amendment to Planning & Zoning Code Section 1240.06(f) was called to order at 7:36 P.M.

The Zoning Administrator recommended an amendment to Planning & Zoning Code Section 1240.06(f) defining the restrictions and conditions applicable to swimming pools, hot tubs, and spas.

The Public Hearing was closed at 7:39 P.M.

A Public Hearing upon an amendment to Planning & Zoning Code Chapter 1260 was called to order at 7:40 P.M.

June 22, 2009 Council Meeting Minutes

The Zoning Administrator recommended an amendment to Planning & Zoning Code Chapter 1260 defining restrictions and conditions applicable to portable storage units.

The Public Hearing was closed at 7:42 P.M.

## **CORRESPONDENCE**

A letter was received from Victoria Stutson, 32138 Teasel Court, commending the City on the new automated trash pick-up program.

A letter was received from Time Warner announcing the following channel changes: JTV will be deleted and ONTV will be added in its place; Shopping Plus will be deleted and Liquidation will be added in its place.

## **MAYOR'S REPORT**

Mayor Zuber made the following announcements.

The bond sale for financing the aquatic center will take place next week.

Lorain County Metro Parks conducted a "Sun Celebration" at the Avon Lake Public Library on June 20, 2009.

The Mayor will attend the Mayor's Conference in Dublin, Ohio from June 24<sup>th</sup> to June 26<sup>th</sup>.

The drawing for the St. June Dream Home will take place on June 28, 2009 at 1:00 P.M.

The Folger Flea Market is scheduled for June 25<sup>th</sup> to June 27<sup>th</sup>.

Following are the July 4<sup>th</sup> activities:

"Smiles for Sophie Bash & Dash" – 9:00 A.M. at Walker Road Park  
Arts Festival – 2:00 P.M. at Miller Road Park  
Fireworks with the True North Choral and Symphony concert

Donations to help fund the July 4<sup>th</sup> celebration were received from the following: Jamestown Group, PolyOne, Busch Funeral Home, Avon Lake Animal Hospital, Century Tel, Danco Metals, and Fifth-Third Bank.

Lorain County Transit and RTA will present a plan to the Lorain County Commissioners. Without passage of a sales tax increase, bus service will cease in Lorain County.

## **COUNCIL PRESIDENT'S REPORT**

Council President Zilka made the following announcements.

June 29<sup>th</sup> is the fifth Monday of the month, and no Council meeting is scheduled.

The next Collective Committee meeting is scheduled for July 6<sup>th</sup>. The next Regular Council Meeting is scheduled for July 13<sup>th</sup>. Council will be on recess from July 14 – August 16.

The 2008 Lorain County Community Development Annual Report is available in the Council Office.

## **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

The turn lane project on Walker Road is under construction.

2009 Street Repair Program update: work is being performed on Williamsburg Drive; Westwinds Subdivision will be next.

## **LAW DIRECTOR'S REPORT**

The Law Department Update was distributed.

## **FINANCE COMMITTEE REPORT**

Mr. Stanek reported that a mid-year budget review was held. The expenditures for the year and the property tax revenues are tracking on budget. At this point, the income tax revenues are projected to be \$250,000 short of what was budgeted. The general fund is projected to be short on revenues versus expenditures by \$1 million, and an additional reduction in the income tax transfer fund of \$250,000. Estate taxes are projected to be approximately \$100,000 greater than what was budgeted.

The Finance Committee met on June 22, 2009. Shiree Dimmerling of the Fair Housing Council of Northeast Ohio gave the Committee suggestions about changing Avon Lake's fair housing rules and regulations to become substantially equivalent to HUD standards in order to receive possible grant funds. The Committee also discussed soft billing for ambulance service, a Fire Department floater position, copier and printer upgrades, and a donation for the July 4<sup>th</sup> fireworks display.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Meiners reported on the following topics discussed at the June 22, 2009 Human Resources Committee meeting: step increases for two Firefighter/Paramedics; and wage increases for certain non-bargaining unit employees.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos made the following clarification. The auctioning of electricity will result in a net savings that will balance other cost increases. The increase to consumers should be approximately 2.7%.

### **SAFETY COMMITTEE REPORT**

Mr. Rush reported on the following items discussed at the June 18, 2009 Safety Committee meeting: Fire Department floater position; ambulance soft billing; traffic studies at Miller Road and Lake Road, additional crosswalk markings throughout the City.

The Safety Committee voted (3-0) to table Temporary Legislation #9571, the dog ordinance. There has been opposition to the breed specific language, and the Committee decided to study revisions to the proposed ordinance further.

The Safety Committee had a lengthy discussion regarding a request for a liquor license transfer for McCarthy's Ale House. There are concerns with this establishment due to ongoing problems and disturbances. The bar is in the process of being sold again and a delay in the requested liquor license transfer would jeopardize the sale.

Mr. Stanek stated that Knockouts Sports Bar, the potential new establishment, would not be a desirable business for that location based on their website. He recommends that the City request a hearing on the liquor license transfer request.

Mr. Kos stated that he does not want to request a hearing and jeopardize the sale of McCarthy's. He feels the new establishment should be given an opportunity. If problems arise from Knockouts, the City will have the opportunity to request a hearing when all liquor licenses are up for renewal.

Mr. Meiners stated that he will vote to request a hearing due to continuous serious problems with the present establishment.

Law Director Kerner explained that all liquor permits for Avon Lake are valid for one year and expire on September 30<sup>th</sup> of each year. The legislative authority has the opportunity to object to the renewal of any permit by filing the appropriate document by August 30<sup>th</sup>. The transfer request being considered is from the previous owner to Mr. Craddock, the current owner of McCarthy's Ale House, which would allow him to sell the establishment to the interested buyer. Mr. Craddock must get the permit into his name before he can sell McCarthy's Ale House and transfer the license to the

new owner. If the sale takes place, Mr. Craddock would have to transfer the license to the new owner, and at that time the City would have another opportunity to request a hearing on the transfer.

Mr. Stanek stated that he did not verify the identity of the parent company of Knockouts, but was told it is Diamond Men's Club. Knockouts is not considered to be a "gentleman's club", but rather a sports bar. Judging from the website, Mr. Stanek stated that he fears the City will be getting the same time of establishment as McCarthy's, which has a history of ongoing problems and issues. McCarthy's contributes under \$10,000 per year in revenue to the City.

Mr. Rush explained that the City can only request a hearing on a liquor license, but the Division of Liquor Control makes the determination. A hearing does not guarantee that the license would not be transferred. Mr. Rush pointed out that the current owner has stated that the request for a hearing would stop the sale of McCarthy's.

Mrs. Fenderbosch stated that she appreciates new businesses coming to Avon Lake, but wants a business that is going to be respectful to young women and a role model for young women.

Mr. Meiners stated that he is not trying to punish a new owner; he is trying to protect the citizens of Avon Lake from what has taken place in the past.

## **PARKS & RECREATION COMMISSION REPORT**

The Parks & Recreation Commission is scheduled to meet on May 27, 2009 at 7:00 P.M. at the Lake House.

## **ENVIRONMENTAL AFFAIRS ADVISORY BOARD**

Mrs. Fenderbosch

## **CABLE ADVISORY COMMISSION**

## **MOTIONS**

## **LEGISLATION**

Second Readings:

First Readings:

Temporary Legislation #9561, A RESOLUTION APPROVING THE USE OF SUBMERGED LAND, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 31940 Lake Road requested a submerged land lease for construction of erosion control measures in Lake Erie. All relevant City departments have reviewed the request and there are no objections.

Temporary Legislation #9563, AN ORDINANCE AMENDING CHAPTER 260.035 OF THE CODIFIED ORDINANCES, ENTITLED PART-TIME/SEASONAL SICK LEAVE POLICY, was read by title only.

This amendment eliminates sick leave benefits for seasonal workers. Permanent part-time employees will continue to receive sick leave benefits as outlined in the policy.

**PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake,

**EXECUTIVE SESSION**

**RECONVENING OF THE COUNCIL MEETING**

Council reconvened in open session at 9:27 P.M.

Present: Council Members Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner.

Mr. O'Donnell moved to adjourn.

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

No: None

Absent: Stanek

Motion carried.

Adjournment: 9:28 P.M.

June 22, 2009 Council Meeting Minutes

Approved: \_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Clerk of Council