

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

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

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, 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. Meiners was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the September 24, 2012 Council Meeting were approved as prepared and published.

CORRESPONDENCE

A letter was received from Kopf Builders requesting suspension of the rule requiring three readings and emergency passage of the plat approval for Waterside Crossing North Phase 6.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Mr. Peter Alex appeared at a Planning Commission Work Session regarding a proposed asphalt and concrete plant to be located west of Moore Road to Miller Road along the railroad tracks. There has been concern regarding the noise, odor, traffic, and impact on roads related to the plant. Council members and members of the administration will tour a similar facility in the area to determine if such a facility would be appropriate for Avon Lake. If this proposal moves forward, there will be public meetings for residents to give their input.

The EMS levy, Issue 10, will appear on the November 6th ballot. It is a 1.25 mill renewal levy with a .75 mill increase. The additional cost to the owner of property valued at \$200,000 will be \$3.83 per month, or \$45.96 per year. If the levy fails, the City will lose not only the .75 mill increase, but also the 1.25 mills which it has been

collecting. Failure of the levy will result in a \$1.6 million deficit in the City's finances. In order to continue with emergency services, funds will have to be drawn from other City departments, which will result in a cutback of City services. Mayor Zilka asked voters to support Issue 10 to maintain the quality of services currently available to residents.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell made the following announcements.

The next Collective Committee meeting is scheduled for October 15th. The next regular Council Meeting is scheduled for October 22nd.

Pursuant to Charter Section 72, a Charter Review Commission will be appointed to serve in 2013. Council and the Mayor would like to have the commission appointed by the end of the year. Council shall appoint four members, one from each ward. The Mayor shall appoint five members. Commission members must be residents of Avon Lake for two years immediately preceding appointment. Interested residents should send a resume and letter of interest to the Clerk of Council at bdopp@avonlake.org, or by mail to 150 Avon Belden Road.

A vacancy exists on the Environmental Affairs Advisory Board. Interested residents should contact the Clerk of Council.

The Service Department will stop picking up branches on October 21st to begin leaf pick-up. Residents are asked not to mix branches and leaves.

Grants are available through WSOS Community Action for private property owners to receive up to 40% of the costs for removal of up to 2 ash trees. Residents should contact their Council representative or the Council office for more information. Applications are available online. The grant does not apply to trees that have already been removed.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

LAW DIRECTOR'S REPORT

The Law Department report on pending litigation was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James stated that the Environmental Affairs Advisory Board (EAAB) is part of City government. The EAAB has a budget for items such as publications and

recycling issues. There is an amount of \$270.00 remaining in the budget which the Board will return to the City treasury.

Mr. James encouraged residents who would like to get involved in City government to become a member of the EAAB. There is a vacancy and interested residents should contact the Clerk of Council.

The Environmental Issues Series will continue at the Avon Lake Public Library on October 10th; the topic is "When Avon Lake was Just a Lake."

PUBLIC UTILITIES COMMITTEE REPORT

Mrs. Fenderbosch stated that residents have been receiving phone calls from a variety of vendors offering information regarding a new law and discounts for electric usage. Mr. Shondel stated that he received one call from the Illuminating Company offering two types of rates; a guaranteed low rate until December of 2014 or May of 2015; or a seven year higher rate. Mrs. Fenderbosch stated that there are three parts to the electric bill; the generation, the transmission, and the distribution. She said the calls residents are receiving refer to the generation of electricity. The vendors are from private entities competing with NOPEC.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee is scheduled for October 11, 2012 at 6:30 P.M. in the Engineering Conference Room.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Bucci and the Law Director will review the current Community Reinvestment Corporation by-laws for revisions and updates.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the following results of the September 27, 2012 Zoning Board of Appeals meeting: an area variance to construct a patio at 32950 Walker Road was granted; and an area variance to construct a rear addition at 152 Miller Road was granted.

AVON LAKE HISTORICAL PRESERVATION COMMISSION REPORT

The Historical Preservation Commission met on September 26, 2012. The Commission voted to return approximately \$700 of unused funds to the City treasury. The Commission discussed whether or not the Commission should apply for a State of Ohio Historical Society Grant.

The next meeting of the Commission is scheduled for October 24, 2012.

MOTIONS

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a liquor license transfer from Stewcur Enterprises LLC, dba Stop 45 Tavern, to Savor AI Inc. located at 32950 Walker Road. The Police Chief indicated that he has no objections to the transfer.

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

No: None

Absent: Meiners

Motion carried.

Mr. O'Donnell moved to accept a donation of eight tables from the Avon Lake Public Library. The tables will be used by the Parks & Recreation Department.

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

No: None

Absent: Meiners

Motion carried.

LEGISLATION

First Readings:

Temporary Legislation #10057, AN ORDINANCE TO REZONE PROPERTY AT 130 MILLER ROAD ADJACENT TO THE AVON LAKE ANIMAL CLINIC, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch referred to a map and explained where the proposed rezoning will occur. In order for Dr. Haddad to expand the Avon Lake Animal Clinic, a property with a vacant house will have to be rezoned from R-1A Residential to B-1 Commercial. A Public Hearing upon the proposed rezoning is scheduled for November 12, 2012. Property owners within 300 feet of the proposed rezoning will be notified of the Public Hearing by mail.

Temporary Legislation #10058, AN ORDINANCE APPROVING THE VACATION PLAT FOR A DRIVE ON THE WEST SIDE OF MILLER ROAD, SOUTH OF ELECTRIC BOULEVARD, AND A PORTION OF HAMILTON AVENUE, AND CONSOLIDATION OF THE PARCELS, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch referred to a map and described the areas to be vacated. There are no utility easements in the proposed vacated areas. The vacation of the drive on the west side of Miller Road and the portion of Hamilton Avenue, along with consolidation of the two properties, is needed for the expansion of the clinic. In

October 9, 2012 Council Meeting Minutes

order for this ordinance to take effect, the previous rezoning ordinance must be adopted. Both ordinances will be presented for emergency passage at the second readings to allow for the issue to go before the Zoning Board of Appeals before the end of the year.

In answer to Mr. James, Mrs. Fenderbosch stated that the City is not compensated for vacated property.

Mr. Reitz stated that on the western side of the property, there is a half right-of-way on Hamilton Boulevard up to Electric Boulevard. It was previously vacated by City Council in 1977, but the adjacent property owner at the time did not accept that half of the right-of-way. This vacation will create a tighter consolidated parcel.

The vacation and consolidation do not require public hearings.

Temporary Legislation #10059, AN ORDINANCE APPROVING THE FINAL PLAT FOR WATERSIDE CROSSING NORTH PHASE 6, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Meiners

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10059. This is the final phase of Waterside Crossing North. This phase will connect Belmar north of Troy to Walker Road and will alleviate traffic in the area and make homes more accessible to the safety forces.

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

No: None

Absent: Meiners

Motion carried.

Ordinance No. 143 -2012 adopted.

Temporary Legislation #10060, AN ORDINANCE AMENDING CHAPTER 1246.02 OF THE PLANNING & ZONING CODE, ENTITLED PERMITTED USES IN INDUSTRIAL DISTRICTS (a), was read by title only.

This amendment will add a definition to the code which defines indoor commercial recreation. The amendment also adds indoor commercial recreation to permitted uses in industrial districts. This definition already exists in the business code. There has been discussion about whether or not a non-industrial business should be located in the light industrial area. A dance studio and a pre-school are already

October 9, 2012 Council Meeting Minutes

located in the light industrial zoned area. Mrs. Fenderbosch referred to a map showing the light industrial areas in Avon Lake. There is a prospective business owner who is considering opening a gymnasium in the area. On Pin Oak Parkway, all property east of Hinkley Lighting is considered light industrial.

PUBLIC INPUT

Dale Cracas, 265 Avon Belden Road, stated that the community garden was very successful and thanked all City departments for their assistance and local businesses for their donations.

ADJOURNMENT

Mr. James moved for adjournment:

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

No: None

Absent: Meiners

Motion carried.

Adjournment: 8:31 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council