

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD AUGUST 26, 2013**

The regular meeting of the Avon Lake Municipal Council was called to order on August 26, 2013 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

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

**APPROVAL OF MINUTES**

The minutes of the July 8, 2013 Regular Council Meeting were approved as prepared and published.

**PUBLIC HEARING**

A public hearing upon the historic landmark designation of Assembly Hall, known as The Folger Home, was called to order at 7:32 P.M. Mrs. Fenderbosch made the following comments. Planning Commission approved and recommended the request for historic landmark designation and referred it to Council for consideration. The structure meets the following requirements for historic landmark designation: its character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or nation; its identification with a person of significance in our past; its embodiment of distinguishing characteristics of a building type or architectural style; and its unique location or singular physical characteristic presenting an established and familiar visual feature of a neighborhood or of the City.

Mr. Shondel stated that, as the original chairman of the Avon Lake Historical Preservation Commission, he was part of the process of forming the commission. The rules were originally written to allow flexibility for future use of any property designated as a historic landmark. The commission's requirements are quite different from the restrictions that might be set upon a property that is placed on the National Register of Historic Places or the restrictions by the State of Ohio or Lorain County. The historic landmark designation approval by Council of Assembly Hall will not restrict Council from making decisions in the future for any alterations to the building.

Mrs. Fenderbosch stated that, by receiving historic landmark designation, the property would be eligible for grants and would also attract more tourism. Mrs. Fenderbosch referred to the J. E. Reeves home and carriage house in Dover and reviewed some of the uses of the landmark building. The Oberlin Heritage Center

also holds many events. The existing landmarks have been interwoven with existing retail contributing to tourism in Oberlin.

Mr. Bucci stated that he did some research and asked for confirmation of the following. If the owner of The Folger Home desires to make a change to the interior of the building, there is a process to follow with the Historic Preservation Commission and if the change is denied, the owner can appeal to City Council. Mrs. Fenderbosch confirmed Mr. Bucci's statement. The changes would include anything leading up to demolition of the structure. Mr. Bucci stated that, in his opinion, the historic landmark designation seems more symbolic than anything else.

The public hearing was closed at 7:40 P.M.

### **CORRESPONDENCE**

- Nancy Cobetto, 162 Avon Belden Road, Avon Lake

### **MAYOR'S REPORT**

Mayor Zilka made the following announcements.

This week will be last weekend the swimming pool will be open. Following is the schedule for pool hours: Friday, 4:00 – 8:00 P.M.; Saturday & Sunday, 11:00 – 8:00 P.M.; Saturday – adult swim – 9:00 – 10:30 A.M.; Monday 1:00 – 6:00 P.M. Saturday, September 7<sup>th</sup> Love-a-Stray will hold the dog swim from 12:00 to 5:00 P.M.

The second drug awareness forum was held August 13, 2013 with the following speakers: Brenda Brent, a pharmacist from Walgreens; Detective Chris Cologne of the City of Lorain and the County Drug Task Force; and Tom Stuber, Director of Lorain County Alcohol and Drug Abuse Services (LCADA). There were also forty support groups providing information. LCADA will open a wellness clinic at 525 Avon Belden Road next month. LCADA is funded through State funding, Medicaid, and donations through fundraising.

The Mayor and members of the administration met on August 15<sup>th</sup> with officials of Avon Lake City Schools and NRG to discuss the conversion of the electric power plant. There are a number of obstacles to overcome and another meeting will be scheduled in September.

In cooperation with State Senator Manning's office, the Mayor will meet with the Ohio Department of Transportation to clarify issues dealing with monument mailboxes along Lake Road and SR 83.

A deer survey is being conducted and will run until Friday, September 6<sup>th</sup>. Residents may turn in their forms at the Avon Lake Public Library and City Hall or complete the survey on the City's website. The survey is being conducted at the request of Jeff Westerfield of the Ohio Department of Wildlife.

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A budget meeting is scheduled for September 30<sup>th</sup> at 6:00 P.M. at the Lake House.

Mr. Meiners asked the Mayor to expedite distribution of the profit and loss statement for the swimming pool.

A vacant home in disrepair on Avon Belden Road was demolished by the bank which owns the structure at the request of the Chief Building Official. There was no cost to the City.

### **COUNCIL PRESIDENT'S REPORT**

September 2<sup>nd</sup> is Labor Day and no Council meeting is scheduled. A rescheduled Collective Committee meeting will be held before the regular Council meeting on September 9<sup>th</sup>.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department weekly update was distributed.

Detour signs have been erected in the vicinity of Moore and Electric Boulevard and Rt. 83 and Lake Road due to the Belmar sewer separation project. Portions of Lake Road will be closed from September 3<sup>rd</sup> through September 6<sup>th</sup>.

### **LAW DIRECTOR'S REPORT**

The Law Director's litigation update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Committee is scheduled to meet September 11, 2013 at 7:00 P.M. in the Council Conference Room.

### **FINANCE COMMITTEE REPORT**

Mr. Meiners reported on the following items discussed at the August 19, 2013 Finance Committee meeting: February – May 2013 Financial Statements; June 2013 Financial Statement; June 2013 General Fund Statement; July 2013 Preliminary Financial Statement; Govdeals sold asset report; Ohio Bureau of Workers' Compensation refund; amendments to Codified Ordinance Section 232.03, entitled Fixed Asset and Supply Inventories; transfers, advances, and adjustments to permanent appropriations and estimated revenues; and a payment to the 2<sup>nd</sup> CIC.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported on the following items discussed at the August 26, 2013 Public Service Committee meeting: a change order to the landfill contract; awarding of a bid for window replacement at the Safety Center; vacation of an easement on

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Coronado Circle; sealing of the Safety Center parking lot; and department consolidation.

The next meeting of the Public Service Committee is scheduled for September 23, 2013 at 6:30 P.M. in the Engineering Conference Room.

### **PUBLIC UTILITIES COMMITTEE REPORT**

The Public Utilities Committee is scheduled to meet September 5, 2013 at 7:00 P.M. in the Council Conference Room.

### **SEWER COMMITTEE REPORT**

The Sewer Committee is scheduled to meet September 12, 2013 at 6:30 P.M. in the Engineering Conference Room.

### **PLANNING COMMISSION REPORT**

Mrs. Fenderbosch made the following comments. Planning Commission recommended the historic landmark designation of Assembly Hall, known as the Folger Home, as requested by the Avon Lake Historical Preservation Commission based on the following documents: Milburn Walker's *History of Avon Lake*; Wright's *History of Lorain County 1916*; Nancy Abram's *A Journey in Time*; the Elyria Chronicle dated 1955; and other undated materials.

The Folger Home has been used as the following: a residence for Veterans Park caretakers; Council Chambers for the Village of Avon Lake; Mayor's Court; Municipal Court; Community Resource Services office; the first teen center; the first American Legion meeting place; and Girl Scout and Boy Scout meetings.

### **ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the results of the July 24, 2013 meeting of the Zoning Board of Appeals.

### **MOTIONS**

Mr. Shondel moved to accept the resignation of Kathy Rohn from the Cable Advisory Commission effective July 23, 2013. Mrs. Rohn has moved out of Avon Lake.

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

No: None

Motion carried.

Mr. Shondel moved to confirm the Mayor's appointment of Jeanne Nash to the Cable Advisory Commission for a term expiring December 31, 2013. Mr. Shondel reviewed Mrs. Nash's resume.

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

No: None

Motion carried.

Mr. Shondel moved accept the resignation of Patrick Manning from the Environmental Affairs Advisory Board effective July 20, 2013. Mr. Manning has moved out of Avon Lake.

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

No: None

Motion carried.

Mr. Shondel moved to appoint R. William Gross to the Environmental Affairs Advisory Board for a term expiring February 28, 2014. Mr. Shondel reviewed Mr. Gross's resume.

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

No: None

Motion carried.

Mr. Kos moved to authorize Chief Huerner to file an application for a SAFER grant to fund the hiring of two additional firefighters in accordance with the SAFER grant conditions and requirements. If the City receives the grant, it would cover the salaries, benefits, and equipment for two additional firefighters for two years, after which the funding would be the responsibility of the City. If the grant is received, the City would have the option to decline it.

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

No: None

Motion carried.

Mr. O'Donnell moved to appoint Dan Bucci and Rob James as co-chairs and Jennifer Fenderbosch and David Kos as Council members to the West End Redevelopment Commission. The Commission was formed to study the redevelopment of the west end of Avon Lake due to the conversion of the power plant.

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

No: None

Motion carried.

## **LEGISLATION**

### Second Reading:

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Temporary Legislation #10200, AN ORDINANCE DESIGNATING ASSEMBLY HALL, KNOWN AS THE FOLGER HOME, AS A HISTORIC LANDMARK, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #10200. She explained that the building served as the Mayor's office for many years and was a meeting place for many organizations and activities. Mr. Kos stated that the Avon Lake Historic Preservation Commission requested historic designation for the Folger Home. The structure meets all the requirements for historic landmark designation.

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

No: None

Motion carried.

**Ordinance No. 111-2013 adopted.**

First Readings:

Temporary Legislation #10204, AN ORDINANCE PROVIDING FOR TRANSFERS, ADJUSTMENTS TO PERMANENT APPROPRIATIONS AND ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10204. The Finance Director determined certain transfers of funds and appropriations are needed for the immediate expenses of the City.

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

No: None

Motion carried.

**Ordinance No. 112-2013 adopted.**

Temporary Legislation #10205, A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO NORTHEAST OHIO AREA WIDE COORDINATING AGENCY (NOACA) FOR A MULTI-MODAL PLAN, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #10205. The grant would provide 80% funding to plan a project for more livable transportation such as bicycle paths. If Avon Lake receives the grant, the City would be responsible for 20% of the project.

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

No: None

Motion carried.

**Ordinance No. 113-2013 adopted.**

Temporary Legislation #10206, AN ORDINANCE AUTHORIZING A PAYMENT TO THE SECOND AVON LAKE COMMUNITY IMPROVEMENT CORPORATION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10206. The Community Improvement Corporation (CIC) was formed to offer low interest loans to small Avon Lake businesses to further economic development. The \$60,000 payment to the CIC will help establish the program and will be funded from cell tower revenues. According to Ohio Revised Code, it is not permitted to use tax dollars to fund the CIC.

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

No: None

Motion carried.

**Ordinance No.114-2013 adopted.**

Temporary Legislation #10207, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 232.03, ENTITLED FIXED ASSETS AND SUPPLY INVENTORY; AUDITS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10207. The State Auditor recommended amendments to Codified Ordinance Section 232.03. This will streamline the audit process.

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

No: None

Motion carried.

**Ordinance No. 115-2013 adopted.**

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Shondel announced the dedication of the unknown seaman memorial at Lake Shore Cemetery will take place September 8, 2013 at 2:00 P.M.

Mr. Meiners stated that, according to a new law passed by the Ohio State legislature, veterans who are 100% service connected disabled are exempt from paying property taxes.

### **PUBLIC INPUT**

Richard Miller, Vice-President of The Landings Homeowners Association, praised the road work done recently in The Landings. He asked about the status of the trash contract negotiations.

Mr. Reitz explained the City is part of an aggregate of several Lorain County townships. Bids are due in September for a new trash contract. The Avon Lake bid specifications include citywide carts with once a month bulk pick-up, and an alternate for weekly bulk pick-up. Residents will have an option of three different trash can sizes with related fees. The new contract will begin January 1, 2014.

### **ADJOURNMENT**

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:50 P.M.

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

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