

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD DECEMBER 14, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on December 14, 2009 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mrs. Fenderbosch 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 Reitz, Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the November 23, 2009 Regular Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

The Mayor and the Recreation Director met with Glen Haley from the YMCA regarding the new YMCA facility being built in Avon.

The Mayor and Mr. Zilka attended the Lorain County Office on Ageing luncheon for their volunteers on December 1<sup>st</sup>.

The Mayor and the Recreation Director met with the Folger Home Board and the Boat Club Board regarding the master plan for Veterans Memorial Park.

The Mayor attended the Ohio Auto Industry Support Council meeting.

**COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for December 21<sup>st</sup>. It will be followed by a rescheduled Council meeting. Council will not meet on December 28<sup>th</sup>.

On January 4, 2010, Council will hold an organizational meeting at 7:30 P.M. Judge Bilancini will administer the oaths of office to newly elected Council members. A Collective Committee will follow the Organizational Meeting.

## **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

## **LAW DIRECTOR'S REPORT**

The Law Department Update was distributed.

## **FINANCE DIRECTOR'S REPORT**

There was a successful bond sale totaling \$1,430,000 for the financing of the new fire truck, retirement of the short-term debt on the Service Department storage building, and the Moore Road storm sewer improvement project. The bond is for an eight year term with a net interest cost of 2.408%. The annual debt service is approximately \$200,000. The Moody's rating was reaffirmed at AA3.

## **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Series will continue at the Avon Lake Public Library on January 13, 2010; the topic is "Green Building Initiative".

## **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Stanek pointed out that the expenditures of the Cable Studio are 84% of the budget and not 68% as previously reported. This is calculated on a year to date budget and not a full year budget.

In answer to Mr. Stanek, Mr. Kos stated that the City has not had any discussion with RTA regarding service in Lorain County. Mr. Kos further stated that RTA has not shown any interest in providing such service.

## **ZONING BOARD OF APPEALS REPORT**

The Zoning Board of Appeals met on November 24, 2009. A fence variance was granted for property at 32701 Belle Road.

## **PARKS & RECREATION COMMISSION REPORT**

Mr. O'Donnell reported on the Recreation Department programs and activities.

## **ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT**

Mr. Stanek reported that the Economic Development Advisory Board met on December 3, 2009. The City DVD should be available within the next few weeks.

## **ENVIRONMENTAL AFFAIRS ADVISORY BOARD**

Mrs. Fenderbosch reported the Environmental Affairs Advisory Board met December 2, 2009. The Board approved funds for the purchase of a tent and a sign.

### **CABLE ADVISORY COMMISSION REPORT**

The next meeting of the Cable Advisory Commission is scheduled for January 20, 2010.

### **MOTIONS**

Mrs. Fenderbosch moved to add a motion to the agenda to accept an anonymous donation for the purchase of a tent for use by the Environmental Affairs Advisory Board.

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

No: None

Motion carried.

Mr. Rush moved to authorize Avon Lake Fire Department Chief William Morris to file an application for a SAFER Grant to fund the hiring of up to three additional firefighters in accordance with the SAFER Grant conditions and in furtherance of the additional firefighter manning requirements of the Preuer Report.

If the City is awarded the grant, it would cover 100% of the wages, less overtime, for up to three firefighters for the first two years. The City would be responsible to maintain the additional firefighters for one year beyond the two year period.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to accept an anonymous donation in the amount of \$117.50 to be applied to the purchase of a tent for the Environmental Affairs Advisory Board.

The tent will be used for sun protection at EAAB events.

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

No: None

Motion carried.

### **LEGISLATION**

Second Readings:

Temporary Legislation #9624R, A RESOLUTION TO ADOPT AND DECLARE A TEMPORARY BUDGET FOR THE YEAR 2010, AND DECLARING AN EMERGENCY, was read by title only.

The temporary budget is developed annually to allow for expenditures until the permanent budget is adopted by April 1, 2010.

Temporary Legislation #9625, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 31824 Lake Road requested permission to construct a breakwall in Lake Erie for erosion protection. This resolution is required by the Ohio Department of Natural Resources.

First Readings:

Temporary Legislation #9630, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO LEAF MACHINES FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9630. Old Dominion Brush submitted the low bid of \$41,184.00 through the State Purchasing Program. Recycling funds from the Lorain Solid Waste Management grant will cover the cost of the purchase.

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

No: None

Motion carried.

**Ordinance No. 119-2009 adopted.**

Temporary Legislation #9631, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN TO CONSTRUCT A 130 FOOT TALL MONOPOLE WIRELESS TELECOMMUNICATIONS TOWER ON MUNICIPAL PROPERTY, was read by title only.

The tower will be constructed on the northwest corner of Avon Belden Road and Electric Boulevard.

Temporary Legislation #9632, AN ORDINANCE AMENDING CHAPTER 1217.05 OF THE PLANNING AND ZONING CODE, ENTITLED SIGN APPROVAL, was read by title only.

The amendment will permit applicants to receive approval in a timely manner. The revision will create an administrative approval process for signs that meet the requirements of the Planning & Zoning Code. Signs that are outside the code requirements or master signage plan for developments will still need Planning Commission approval.

Temporary Legislation #9633, AN ORDINANCE AMENDING CHAPTER 208 OF THE CODIFIED ORDINANCES, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

The amendment would eliminate the \$50.00 Planning Commission agenda fee for a proposed minor alteration to a previously approved plan. The request for minor alterations will go through department review to determine if the alteration is minor. If the requested alteration is determined not to be minor, it would then go to Planning Commission and the \$50.00 fee would be applicable.

Temporary Legislation #9634, AN ORDINANCE PROVIDING FOR THE CONTINUED DEFENSE OF THE CITY IN AN ACTION FILED BY JACK REDILLA ET AL., AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Stanek, Zilka  
No: None  
Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9634. Judge Zaleski issued an order reversing a decision by the Zoning Board of Appeals and granted a request by Mr. Redilla to build a home on a lot which is in conflict with the Planning & Zoning Code. Mr. Redilla purchased the lot knowing that it was unbuildable. To appeal Judge Zaleski's decision, the City must file an appeal by December 19, 2009. This ordinance will authorize litigation fees not to exceed \$3000 for the Law Director to represent the City in this case.

Yes: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Stanek, Zilka  
No: None  
Motion carried.

**Ordinance No. 120-2009 adopted.**

Temporary Legislation #9635, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY IN AN ACTION FILED BY FLOYD TOMANEK, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Stanek, Zilka  
No: None  
Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9635. Mr. Tomanek filed an appeal with Lorain County Common Pleas Court regarding a fence variance granted to Mr. Tomanek's neighbor by the Zoning Board of Appeals. This ordinance will authorize litigation fees not to exceed \$3000 for the Law Director to represent the City in this case.

Yes: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Stanek, Zilka  
No: None  
Motion carried.

**Ordinance No. 121-2009 adopted.**

**MISCELLANEOUS BUSINESS & ANNOUNCEMENTS**

A "Financial Survival Bootcamp" for city officials, conducted by the State Auditor's office is scheduled for December 15, 2009 at the Avon Lake Library.

Mr. O'Donnell moved for adjournment.

Yes: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Stanek, Zilka  
No: None  
Motion carried.

Adjournment: 8:06 P.M.

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

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