

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD FEBRUARY 14, 2011**

The regular meeting of the Avon Lake Municipal Council was called to order on February 14, 2011 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 Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Engineering Department Manager Joseph Reitz, Finance Director Nancy Bryan, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the January 24, 2011 Council Meeting were approved as amended.

OATH OF OFFICE

Law Director Kerner administered the Oath of Office to Luke Hagedorn, Police Officer.

CORRESPONDENCE

A letter was received from John Rich, 618 Tournament Drive, Avon Lake, requesting a new post office in Avon Lake.

John Earley submitted his letter of resignation from the Avon Lake Historic Preservation Commission.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The Avon Lake Public Library celebrated its 80th anniversary. The Mayor and Representative Matt Lundy presented the library with plaques honoring the occasion.

On February 8, 2011, the Mayor attended the Fire Study Planning Session with EFCI, and Mayors and Fire Chiefs of the Westshore.

Boy Scout Troop 334 held their Blue & Gold Dinner Banquet on February 9, 2011.

On February 10, 2011, the Mayor and Recreation Director Nichols attended the Ohio Parks & Recreation Association Awards Dinner. Avon Lake received an Award of

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Excellence for the new aquatic center in the category of best new facility greater than \$2.5 million.

COUNCIL PRESIDENT'S REPORT

In honor of Presidents Day, no meeting is scheduled for February 21st. The next Regular Meeting of Council is scheduled for February 28th. If needed, a CCM will be held prior to the Council meeting on the 28th.

Committee reports for the Annual Council Report are due.

On February 11, 2011, Council President Zilka attended a session held at the Levin College of Urban Affairs Leadership Academy at Cleveland State University. The topic was regionalism and economic development.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

The Clear Wire case was dismissed in Federal Court and will be dismissed in Common Pleas Court.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee is scheduled to meet on February 21, 2011 at 6:30 P.M.

FINANCE COMMITTEE REPORT

The Finance Committee is scheduled to meet February 22, 2011 at 6:30 P.M.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell reported on the following topics discussed at the February 9, 2011 meeting: the community garden proposal; remaining funds from the pool levy; improvements to Bleser Park; 2011 street program; Moore Road culvert repair; and the Canterbury Road sewer project.

Mr. O'Donnell reported on the following items discussed at the Public Service Committee meeting held on February 14, 2011: school assessments related to the Canterbury Road project; and the Mad Bomber fireworks contract.

ECONOMIC DEVELOPMENT COMMITTEE

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Mr. Bucci reported on the joint meeting between the Economic Development Committee and the Human Resources Committee held February 7, 2011 regarding the hiring of an Economic Development Advisor.

The Economic Development Committee is scheduled to meet February 15, 2011.

CABLE ADVISORY COMMISSION REPORT

Beginning February 14th, Avon Lake cable channel 99 will switch to channel 97.

The Cable Advisory Commission is scheduled to meet February 17, 2011 at 7:15 P.M.

HISTORIC PRESERVATION COMMISSION REPORT

Mr. Kos reported that the Chair of the Historic Preservation Commission requested an opportunity to give a presentation to Council regarding the Commission's past and planned future activities.

ENVIRONMENTAL ADVISORY BOARD (EAAB) REPORT

The EAAB is scheduled to meet February 16, 2011 at 6:30 P.M.

RENEWABLE ENERGY TASK FORCE REPORT

Mrs. Fenderbosch reported on the Renewable Energy Task Force meeting held February 10, 2011. Wind turbine/solar array legislation will be proposed.

MOTIONS

Mr. Meiners moved to authorize the Mayor to sign the Memorandum of Understanding for the French Creek Boundary Study.

This item was reviewed and recommended by the Sewer Committee. There is no financial commitment associated with the Memorandum of Understanding.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Mayor to sign the application for a NOPEC grant.

The City is eligible for \$210,000 in grant funds that must be used for energy saving projects.

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

No: None

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Motion carried.

Mr. O'Donnell moved to accept a donation in the amount of \$500 from LifeShare. LifeShare uses the Old Firehouse Community Center for their blood drives.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept a donation in the amount \$350 from the UAW. The UAW uses the Old Firehouse Community Center for their meetings.

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

No: None

Motion carried.

Mr. Kos moved to accept the resignations of John Earley and Thomasina Patton from the Avon Lake Historic Preservation Commission. Mr. Earley is no longer a resident of Avon Lake, and Mrs. Patton's other commitments prevent her from continuing to serve on the Commission.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #9769, AN ORDINANCE AMENDING CHAPTER 1252.04(f) OF THE PLANNING & ZONING CODE, ENTITLED DEVELOPMENT REGULATIONS, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9769. This amendment to the Planning & Zoning Code will allow fences constructed of wrought iron or aluminum, wood, or PVC vinyl of 48 inches or less in height with at least 50% of the vertical surface area open as viewed at right angles to be installed in rear yard setbacks in Planned Unit Developments.

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

No: None

Motion carried.

Ordinance No. 6-2011 adopted.

Second Reading:

Temporary Legislation #9776, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 258.04, ENTITLED POWERS AND DUTIES OF THE HUMAN RESOURCES COMMITTEE, was read by title only.

The Human Resources Director recommended an amendment to Codified Ordinance Section 258.04. Currently it is the responsibility of the Human Resources Committee to establish wage classifications. The amendment would give that responsibility to the Mayor or his designee since the designated employees are under the supervision of the administration. The Human Resources Committee voted unanimously to recommend the amendment to Council for approval.

First Readings:

Temporary Legislation #9780, AN ORDINANCE AMENDING CHAPTER 258.04 OF THE CODIFIED ORDINANCES, ENTITLED GENERAL FEE SCHEDULE, AND DECLARING AN EMERGENCY, was read by title only.

The Municipal Utilities Board approved increases to the sewer rates; fees also were adjusted based on the Cleveland Cost Construction Index.

Temporary Legislation #9781, AN ORDINANCE 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: Fenderbosch, Kos, Meiners, O'Donnell, Rush, Zilka, Bucci

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9781. A property owner at 33790 Lake Road requested a submerged land lease to construct a breakwall in Lake Erie. The request was reviewed by all department heads and there were no concerns.

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

No: None

Motion carried.

Ordinance No. 7-2011 adopted.

Temporary Legislation #9782, AN ORDINANCE DECLARING THE NECESSITY OF IMPROVING CANTERBURY ROAD APPROXIMATELY 1516 FEET BY CONSTRUCTION OF STORM AND SANITARY SEWERS, WATER LINES, AND CONCRETE PAVEMENT, AND DECLARING AN EMERGENCY, was read by title only.

The project will connect Canterbury Road to Moore Road. Kopf Construction will be assessed for improvements to its property.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Avon Lake Community Council is accepting nominations for Project of the Year and Citizen of the Year awards. Applications are due March 17, 2011.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, Avon Lake, inquired about work being done at Walker and Moore Roads.

Mr. Reitz stated that the gas company is relocating a gas line at that location to prepare for the culvert replacement project which will begin in the spring of 2011.

ADJOURNMENT

Mr. O'Donnell moved for adjournment.

Adjournment: 8:20 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council