

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD FEBRUARY 8, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on February 8, 2010 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mr. Meiners 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, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

**APPROVAL OF MINUTES**

The minutes of the January 25, 2010 Regular Council Meeting were approved as prepared and published.

**APPOINTMENT OF A FIREFIGHTER/PARAMEDIC**

Temporary Legislation #9656, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9656. This appointment followed Civil Service Commission procedures and was reviewed by the Human Resources Committee.

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

No: None

Motion carried.

**Ordinance No. 19-2010 adopted.**

Law Director Kerner administered the Oath of Office to Firefighter/Paramedic Nathan Monroe.

**CORRESPONDENCE**

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A letter was received from the Census Bureau confirming the use of the Council Chamber to train census enumerators during the last week of April.

### **MAYOR'S REPORT**

Mayor Zuber made the following announcements.

Community Resource Services held its annual Charity Ball on January 30<sup>th</sup>.

On February 1<sup>st</sup>, the Mayor attended a luncheon with County Commissioner Blair and Brian McCann of the Northern Ohio Commuter Rail Coalition. Discussions regarding the commuter rail project are continuing.

Medical claims for the first quarter of the year for City employees are at 71.8%, which is slightly higher than last year's figures.

Council held a Strategic Planning Session on Saturday, January 30<sup>th</sup>. The Mayor requested Council to consider future Saturday meetings for discussion of important issues.

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

Mr. Zilka made the following announcements.

Due to President's Day, no meeting will be held on February 15<sup>th</sup>. A rescheduled Council meeting will be held on Tuesday, February 16<sup>th</sup>. The next Regular Council Meeting is scheduled for February 22<sup>nd</sup>.

Council held a Strategic Planning Session on January 30<sup>th</sup>. Council members submitted thirty-seven items for discussion. Items will be ranked according to importance, and a top ten list will be composed.

Mr. Zilka and Mr. O'Donnell attended the Fourth Annual Groundhog Day Breakfast sponsored by Team Lorain County.

Mr. Bucci asked to abstain from voting on Temporary Legislation #9657 due to a potential conflict of interest.

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

The Law Department Update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

Mrs. Fenderbosch made the following announcements. The Environmental Issues Series will continue at the Avon Lake Public Library on February 17<sup>th</sup>; the discussion

will be about plastics and recycling. The Renewable Energy Task Force is scheduled to meet on February 11<sup>th</sup>.

### **FINANCE COMMITTEE REPORT**

Mr. Zilka reported that he has been meeting with the Finance Director to review the 2010 budget. Finance Committee meetings are scheduled for February 16<sup>th</sup> and February 22<sup>nd</sup> at 6:00 P.M. to discuss the budget before its final passage. A Finance/Safety Committee meeting is scheduled for February 17<sup>th</sup> to discuss ambulance billing as a source of revenue.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. O'Donnell reported on the following topics discussed at the February 8<sup>th</sup> Public Service Committee meeting: the dumpster enclosure and permeable pavers at the aquatic center; and aquatic center management, membership policy, and maintenance.

Breakfast with the Easter Bunny is scheduled for February 27<sup>th</sup>; registration begins February 10<sup>th</sup>. Payment will only be accepted on line or in person at City Hall; the fees are \$1.00 per child and \$5.00 per adult.

### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos reported on the high rate increases for all-electric homes. Mr. Kos, Mrs. Fenderbosch, and Mr. Meiners will testify before the Consumer Affairs and Economic Protection Commission, which is chaired by State Representative Matt Lundy. Mr. Kos asked affected residents to contact their Council representatives.

### **SAFETY COMMITTEE REPORT**

Mr. Rush announced a joint meeting between the Safety Committee and Finance Committee is scheduled for February 17<sup>th</sup> at 6:00 P.M. in the Council Chamber. The following items are on the agenda: EMS billing; Fire Department staffing; and view obstruction in the right-of-way.

### **PLANNING COMMISSION REPORT**

Mr. Reitz reported on the Avon Lake High School stadium renovation site plan which was approved at the February 2<sup>nd</sup> Planning Commission Meeting.

### **PARKS & RECREATION COMMISSION REPORT**

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

## **CABLE TELEVISION ADVISORY COMMISSION REPORT**

A meeting of the Cable Television Advisory Commission is scheduled for February 18<sup>th</sup> at 7:15 P.M. at the cable studio located at the Avon Lake Public Library.

Council meetings and Avon Lake Community Television programming are available online at [avonlake.pegcentral.com](http://avonlake.pegcentral.com).

### **MOTION**

Mr. Zilka moved to add a motion to the agenda to permit Mr. Bucci to abstain from voting on Temporary Legislation #9657.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to permit Mr. Rush to abstain from voting on the motion to reappoint Neil Rush to the Environmental Affairs Advisory Board. Neil Rush is Mr. Rush's brother and a conflict of interest may be perceived.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to reappoint Neil Rush to the Environmental Affairs Advisory Board for a term expiring February 28, 2012.

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

No: None

Abstention: Rush

Motion carried.

Mrs. Fenderbosch moved to reappoint the following members to the Environmental Affairs Advisory Board for terms expiring February 28, 2012: Philip Amato, Rita George, Jason Hamman, Holly Kowalski, Michael Michetti, Amy Nasr, and Michael Sweeney.

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

No: None

Motion carried.

Mr. Zilka moved to revise the 2010 Council Meeting Schedule. Since July 4<sup>th</sup> falls on a Sunday, the holiday is observed at City Hall on July 5<sup>th</sup>. The Council meeting has been rescheduled to July 7<sup>th</sup> due to a scheduling conflict with the July 6<sup>th</sup> Planning Commission meeting.

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

No: None

Motion carried.

Mr. Zilka moved to permit Mr. Bucci to abstain from voting on Temporary Legislation #9657. Mr. Bucci asked for permission to abstain from voting because Arcadis Design is a client of the law firm which employs him.

Law Director Kerner referred to Codified Ordinance Section 254.04, which addresses disclosure by elected officials of conflict of interest in legislation. Mr. Kerner stated that he does not believe Mr. Bucci has any direct financial interest in this instance. However, it is Council's decision to determine whether Mr. Bucci should be excused from voting.

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

No: None

Motion carried.

### **LEGISLATION**

#### Third Reading:

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

Mr. Zilka moved for passage of Temporary Legislation #9632R. This amendment will allow signs which are in compliance with the Planning & Zoning Code to be approved without going before Planning Commission.

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

No: None

Motion carried.

**Ordinance No. 17-2010.**

#### Second Readings:

Temporary Legislation #9653, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220.05, ENTITLED STANDING COMMITTEES, was read by title only.

Mr. Bucci recommended the formation of a Standing Committee of Council to address economic development. The main tasks of the Economic Development Committee will be to retain current businesses and to help attract new business to Avon Lake.

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Temporary Legislation #9654, AN ORDINANCE SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF AVON LAKE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 (a), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9654. The Finance Committee recommended a renewal of the operating levy rather than a replacement levy based on the figures provided by the County Auditor. A replacement levy would have brought in additional revenue of approximately \$300,000, but would have raised taxes. With the renewal levy, taxes will remain at the current rate.

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

No: None

Motion carried.

**Ordinance No. 18-2010 adopted.**

First Readings:

Temporary Legislation #9657, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT FOR THE JAYCOX ROAD SEWER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Abstention: Bucci

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9657. A change order in the amount of \$15,300 is needed for necessary plan revisions before project bids are solicited.

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

No: None

Abstention: Bucci

Motion carried.

**Ordinance 20-2010 adopted.**

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Temporary Legislation #9658, AN ORDINANCE APPROVING CHANGE ORDER #4 TO THE SITE CONTRACT FOR THE AQUATIC CENTER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

A change order in the amount of \$12,000 will cover an add alternate to the contract for a higher baseball diamond backstop to prevent balls from being hit into the pool area.

**PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake, asked for clarification regarding signage at Bleser Park.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:20 P.M.

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

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