

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 11, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 11, 2010 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 Daniel 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 December 14, 2009 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The Mayor appeared on the Avon Lake cable television show, "City Happenings" on December 28th and discussed issues to be addressed in the upcoming year.

Mr. Ilg signed the agreement for the purchase of parkland. The purchase is contingent upon receiving the Clean Ohio Conservation Grant.

The Mayor met with Bay Village Mayor Sutherland to discuss the future of Walker Road Park. At this point, Bay Village does not have funds in the budget for park improvements.

When Council members receive calls regarding snow plowing of City streets, they should contact the Mayor or the Service Director by telephone or e-mail.

COUNCIL PRESIDENT'S REPORT

In observance of Martin Luther King Day, no meeting is scheduled for Monday, January 18th. A rescheduled Collective Committee meeting is scheduled for Tuesday, January 19th. The next regular Council meeting is scheduled for January 25th.

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Council held a budget meeting on Saturday, January 9th with the Mayor and Department Heads.

Council will hold a Strategic Planning Session on Saturday, January 30th beginning at 8:00 A.M.

Team Lorain County is hosting the fourth annual Groundhog Day Economic Development Breakfast on February 5, 2010 at the Spitzer Conference Center beginning at 7:30 A.M.

Four resumes were received for the Planning Commission vacancy.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

ODNR has identified the coastal erosion hazard areas in Avon Lake. Letters were sent to the 14 affected property owners. The maps are available in the Engineering Department for inspection. A public hearing is scheduled for February 2, 2010 in Sheffield Lake at which time affected property owners can express their objections.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

FINANCE DIRECTOR'S REPORT

A Finance Committee meeting is scheduled for January 19, 2010 at 6:15 P.M. in the Council Conference Room. Agenda items include: the 2010 operating budget and revenue enhancements; operating levy renewal versus replacement; bank depository contracts; responsibilities and functions of the Audit Committee; and review of procedures for disposition of City assets.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Committee met on January 7, 2010 and discussed the Environmental Issues Series, renewable energy media announcements, and the budget for the Environmental Affairs Advisory Board. The Environmental Issues Series will continue at the Avon Lake Public Library on January 13, 2010; the topic is "Green Building Initiative".

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced a Human Resources Committee meeting is scheduled for January 14, 2010. Agenda items include the following: committee organization, and vacancies in the Service and Fire Departments.

PUBLIC UTILITIES COMMITTEE REPORT

The Public Utilities Committee is scheduled to meet on January 15, 2010 at 1:00 P.M. in the Council Conference Room. The Committee will discuss the possibility of joining NOPEC for natural gas rates. Currently, the City is a member of NOPEC for electric rates only.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the results of the January 5, 2010 Planning Commission meeting.

PARKS & RECREATION COMMISSION REPORT

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

Senior citizens can purchase a lock box for \$20.00 at the Senior Center. The lock box will aid safety forces in emergency situations.

The Avon Lake Community Council is scheduled to meet January 20, 2010 at 7:00 P.M. at the Lake House.

CABLE TELEVISION ADVISORY COMMISSION REPORT

The Cable Television Advisory Commission is scheduled to meet January 21, 2010 at 7:15 P.M. in the cable studio at the Avon Lake Public Library.

MOTIONS

Mr. Rush moved to authorize the Clerk of Council to return the form to the Division of Liquor Control indicating that the City does not request a hearing in the matter of a liquor license transfer. The liquor license transfer request is for the BP establishment located at 508 Avon Belden Road.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept a check in the amount of \$759.80 from Premier World Discovery. This is commission for travel booked through the Avon Lake Senior Center.

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

No: None

Motion carried.

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Mr. O'Donnell moved to accept a check in the amount of \$500 from Lifeshare Community Blood Services. The check is a donation for use of the Old Firehouse Community Center for weekly blood drives.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept a check in the amount of \$125 from Cleveland Westshore Kappa Alpha Theta Chapter. The donation is for financial assistance with youth recreation services for needy families.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

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

Mr. Zilka moved for passage of Temporary Legislation #9631R. The tower will be constructed on the northwest corner of Avon Belden Road and Electric Boulevard behind City Hall and will provide improved cell coverage to AT&T subscribers.

Mr. Rush stated that he does not support this legislation.

Mr. Meiners stated that he will not support the legislation since he does not believe the tower should be erected in a residential district.

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

No: Meiners, Rush

Motion carried.

Ordinance No. 2-2010 adopted.

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

Mr. Zilka moved for passage of Temporary Legislation #9633. 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

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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.

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

No: None

Motion carried.

Ordinance No. 3-2010 adopted.

Second Readings:

Temporary Legislation #9637, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 32136 Lake Road requested a submerged land lease to construct erosion protection in Lake Erie. This Resolution is required by the Ohio Department of Natural Resources.

Temporary Legislation #9638, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 32304 Lake Road requested a submerged land lease to construct erosion protection in Lake Erie. This Resolution is required by the Ohio Department of Natural Resources.

First Readings:

Temporary Legislation #9642, A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.50 REPLACEMENT LEVY, AND A 1.50 RENEWAL LEVY FOR THE OPERATING EXPENSES OF THE CITY OF AVON LAKE, 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, Zilka, Bucci

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9642. Before placing a levy in excess of the 10 mill limit on the ballot, it is necessary that the County Auditor certify that Avon Lake has a certain tax valuation, along with the dollar amount of revenue to be generated.

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

No: None

Motion carried.

Ordinance No. 4-2010 adopted.

Temporary Legislation #9643, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR MICHAEL STANEK, was read in its entirety.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9643. Mr. Stanek served on Council for nine years.

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

No: None

Motion carried.

Ordinance No. 6-2010 adopted.

Temporary Legislation #9644, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 292, ENTITLED CABLE TELEVISION ADVISORY COMMISSION, was read by title only.

Mr. Kos moved to amend Temporary Legislation #9644. The amended sentence is as follows: The Commission shall consist of three members appointed by the Mayor and confirmed by Council, two members appointed by Council, and the Chairperson of the Transportation and Public Utilities Committee, who shall serve as an ex officio member.

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

No: None

Motion carried.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #9644. Currently both members of the Public Utilities Committee are ex officio members of the Cable Television Advisory Commission per Codified Ordinance Section 292; this is the only

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Board or Commission which includes more than one Council member in the composition of the Board or Commission. The Public Utilities Committee recommends amending the Codified Ordinance to include only the Chairman of the Public Utilities Committee as a member of the Cable Television Advisory Commission.

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

No: None

Motion carried.

Ordinance No. 5-2010 adopted.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to discuss compensation of public employees.

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

No: None

Motion carried.

Adjournment: 8:19 P.M.

RECONVENING OF OPEN COUNCIL MEETING

Council reconvened in open session at 9:10 P.M.

In attendance: Mr. Bucci, Mrs. Fenderbosch, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Rush, Mr. Zilka, Mayor Zuber, Law Director William Kerner.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:11 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council