

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD NOVEMBER 23, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on November 23, 2009 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Chris Quinlan led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council Members Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Michael Stanek, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Finance Director Tom DiLellio, Clerk of Council Barbara Dopp.

There being no objections, Mr. Rush and Mr. Reitz were excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the November 9, 2009 Regular Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The Mayor attended the NOPEC General Assembly meeting on November 10, 2009. Mayor Krasienko of the City of Lorain was elected as the Lorain County representative.

Learwood School hosted a Veterans Day breakfast and celebration on November 11th.

A fundraiser was held on November 14th for the Westside Children's Museum to be built in the City of Avon.

On November 17th the Mayor met with Police Chief Owad, Engineering Department Manager Reitz, and a representative from the Ohio Department of Natural Resources (ODNR) regarding the drownings at Miller Road Park. ODNR will study ways to remediate problems with the currents and the beach.

On November 20th, the Mayor, School Superintendent Scott, and Fire Chief Morris judged the fire safety poster contest at the elementary schools.

For the second consecutive year, employee health coverage insurance rates will not increase.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is scheduled for December 7th. The next Regular Council Meeting is scheduled for December 14th.

November 30th is the fifth Monday of the month and no meeting is scheduled.

Council Elect held an organizational meeting before the Council meeting. Mr. Zilka was elected Council President and Mr. O'Donnell was elected Council President Pro Tem.

Council Elect will hold organizational meetings following the Council meetings on December 7th, December 14th, and December 21st.

ENGINEERING DEPARTMENT REPORT

Astro Pools will pour an additional 180 yards of concrete for the pool bottom on November 24th.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

An Environmental Committee meeting was held on November 16, 2009 to discuss the Green Team concept; the concept was approved by the Committee.

FINANCE COMMITTEE REPORT

The exit conference regarding the 2008 audit was held with the State Auditor's office.

A Finance Committee meeting was held on November 16, 2009 to discuss the issuance of bonds.

PUBLIC SERVICE COMMITTEE REPORT

A Public Service Committee meeting is scheduled for November 24, 2009 at 6:00 P.M. in the Council Conference Room to discuss license plate fees as a revenue source and the Engineering ITCI budget.

PUBLIC UTILITIES COMMITTEE REPORT

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Mr. Kos and the Cable Studio Manager met with representatives from Representative Sutton's office to encourage Mrs. Sutton to co-sponsor HR3745, the Community Access Preservation Act.

A Public Utilities Committee meeting was held on November 12, 2009 to discuss a possible cell phone survey.

SAFETY COMMITTEE REPORT

A Safety Committee meeting is scheduled for December 3, 2009 at 6:00 P.M. to discuss EMS billing and Safer Grants for the Fire Department.

PLANNING COMMISSION REPORT

Mr. Zilka reported on the results of the November 10, 2009 Planning Commission Meeting.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD

The Environmental Affairs Advisory Board met on November 4, 2009. The Board formed the following fact finding groups: Public Information/Public Education; Household Hazardous Waste; and Health Study.

The next meeting is scheduled for December 2, 2009 at 6:00 P.M. at the Lake House.

CABLE ADVISORY COMMISSION REPORT

The Cable Advisory Commission met on November 9, 2009 and discussed the following topics: the Community Access Preservation Act; the Ultra Nexus program which will air Council meetings on the internet; and the Alliance for Community Media regional conference and trade show.

RENEWABLE ENERGY TASK FORCE

The Renewable Energy Task Force met on November 18, 2009 and discussed Planning & Zoning Code language regulating residential wind turbines; a wind turbine and solar energy proposal evaluation list; and steps for possible installation of solar and wind turbines in Avon Lake. The next meeting is scheduled for December 1, 2009 at 6:00 P.M. in the Council Conference Room.

MOTIONS

Mr. Zilka moved to amend the motion to adjourn to Executive Session to add "consider the discipline of a public employee" to the Executive Session agenda.

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

No: None

Absent: Rush

Motion carried.

Mr. O'Donnell moved to accept the donation of a scoreboard to be located at Virgei Field. Lee Shoemaker donated the scoreboard in memory of Jay Schraff.

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

No: None

Absent: Rush

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #9614, A RESOLUTION IN SUPPORT OF HR 3745, THE COMMUNITY ACCESS PRESERVATION ACT, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #9614. The Cable Advisory Commission requested Council to pass a resolution in support of HR 3745 for preservation of the public education and government (PEG) channels. The PEG channels are being threatened by certain cable companies.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 113-2009 adopted.

First Readings:

Temporary Legislation #9623, A RESOLUTION REFERRING A PROPOSAL TO AMEND THE PLANNING & ZONING CODE TO PLANNING COMMISSION FOR REVIEW, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Rush

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #9623. The proposed amendment to the Planning & Zoning Code deals with the formation of a Historical

Preservation Board to safeguard the architectural integrity of historic sites and landmarks in the City of Avon Lake.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 114-2009 adopted.

Temporary Legislation #9624, 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.

Temporary Legislation #9626, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY THE CITY OF ELYRIA, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Rush

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9626. The City of Avon Lake has been named in an action filed by the City of Elyria relative to the LORCO sewer project. The Law Director requested funds in the amount of \$3000 to defend the City. The Municipal Utilities Department has verbally agreed to have the legal fees charged to the LORCO account.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 115-2009 adopted.

The Clerk of Council presented to Council the Fiscal Officer's Certificates for Temporary Legislation #9627, #9628, and #9629.

Temporary Legislation #9627, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$475,000 TO PAY COSTS OF ACQUIRING A FIRE PUMPER TRUCK, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Rush

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9627. This and the following two ordinances are relative to the sale of bonds for eight year terms each as recommended by the Finance Committee.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 116-2009 adopted.

Temporary Legislation #9628, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$390,000 TO PAY A PORTION OF THE COSTS OF IMPROVING MOORE ROAD BY RECONSTRUCTING STORM SEWERS AND STORM WATER DRAINAGE FACILITIES, AND DECLARING AN EMERGENCY, was read by title only.

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

Mr. Stanek moved for passage of Temporary Legislation #9628. This ordinance will provide for the re-issuance of the note which is expiring on December 31, 2009.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 117-2009 adopted.

Temporary Legislation #9629, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$575,000 TO PAY A PORTION OF THE COSTS OF CONSTRUCTING A STORAGE FACILITY

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FOR USE BY THE CITY SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Rush

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9629.

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

No: None

Absent: Rush

Motion carried.

Ordinance No. 117-2009 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

The Environmental Issues Series will continue on December 9, 2009 at the Avon Lake Public Library. The topic is "The Cleveland Carbon Fund".

Lorain County will host the Great Lakes Energy Development Task Force on December 1, 2009 at 9:00 A.M. at the Lorain County Administration Building.

Green Energy Ohio's auction ends December 6, 2009.

The Ohio Auditor's Office will hold a "Financial Survival Bootcamp" for city officials on December 15, 2009 at the Avon Lake Library.

PUBLIC INPUT

Jan Van Wagner, 118 Herrmann Drive, Avon Lake, announced she and Mrs. Sekulic will interview Albert E. Gator on Channel 12.

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to consider the discipline of a City employee and the purchase of parkland.

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

No: None

Absent: Rush

Motion carried.

Adjournment: 8:22 P.M.

RECONVENING OF THE OPEN COUNCIL MEETING

Mr. Zilka reconvened the open Council Meeting at 8:45 P.M.

Present: Mrs. Fenderbosch, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Stanek, Mr. Zilka, Mayor Zuber, Law Director Kerner.

Absent: Mr. Rush

Mr. O'Donnell moved to adjourn.

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

No: None

Absent: Rush

Motion carried.

Adjournment: 8:46 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council