

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

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

Mr. Kos 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.

**MAYOR'S REPORT**

The Mayor and Engineering Department Manager Joe Reitz met with Dan Martin of the Lorain County Metro Parks on November 2, 2010 regarding the Kopf Family Reservation. A Work Session is scheduled for December 6<sup>th</sup> to review designs for restrooms which will be installed in the park next year.

The new Avon Lake Magazine has been mailed to residents.

For the third consecutive year, there will be no increase in health care cost for City employees.

Varney, Fink & Associates are conducting the financial audit of the Finance Department. A preliminary report will be presented at the November 15<sup>th</sup> Finance Committee meeting; the final report will be completed by November 22<sup>nd</sup>.

**COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for November 15<sup>th</sup>. The next Regular meeting of Council is scheduled for November 22<sup>nd</sup>.

There will be a vacancy on the Zoning Board of Appeals beginning January 1, 2011. Anyone interested in serving on the Board should submit a letter of interest and resume to the Clerk of Council at 150 Avon Belden Road or e-mail to [bdopp@avonlake.org](mailto:bdopp@avonlake.org). All members of the Board, at the date of their appointments, shall have been qualified electors of the City for the past two years.

Avon Lake voters approved Issue 20 which dealt with an amendment to Charter Section 59A clarifying language dealing with competitive quotes.

**ENGINEERING DEPARTMENT REPORT**

November 8, 2010 Council Meeting Minutes

The Engineering Department Update was distributed.

Road paving in connection with the Jaycox Road sewer project is being completed.

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

The Law Department Update was distributed.

#### **ENVIRONMENTAL COMMITTEE REPORT**

The "Environmental Issues" series will continue on November 10<sup>th</sup> at the Avon Lake Public Library; the topic is "Toe the Coastal Line"

#### **FINANCE COMMITTEE REPORT**

The Finance/Audit Committee is scheduled to meet November 15, 2010 at 6:00 P.M.

#### **HUMAN RESOURCES COMMITTEE REPORT**

A Human Resources Committee meeting will be scheduled to discuss the Mayor's salary. If the Mayor's salary is to be adjusted, the Avon Lake Charter requires Council to make any adjustment not later than February 1<sup>st</sup> of the last year of the elective term being served by the Mayor.

#### **PUBLIC SERVICE COMMITTEE REPORT**

A Public Service Committee meeting is scheduled for November 17, 2010 at 6:30 P.M.

#### **PUBLIC UTILITIES COMMITTEE REPORT**

Mr. Kos announced a public hearing will be held regarding electric rates for all-electric homes in two weeks in North Ridgeville.

#### **SAFETY COMMITTEE REPORT**

Mr. Rush reported on the following items discussed at the October 26, 2010 Safety Committee meeting: the HVAC system at the Fire Department and air quality at City buildings; the purchase of alcohol monitoring devices; traffic issues on Country Club Drive; increase of Lorain County HAZ MAT fees; and minimum bid prices for internet auction items.

Upon recommendation by the Finance Director, Council will approve by motion the list of items and the minimum bid prices for internet auction items.

#### **SEWER COMMITTEE REPORT**

Mr. Meiners reviewed the sewer projects planned for 2011 through 2017 which were discussed at the October 27, 2010 Sewer Committee meeting.

### **PLANNING COMMISSION REPORT**

A joint Work Session between Planning Commission and the Zoning Board of Appeals is scheduled for November 9, 2010 to discuss the following items; project boundary setbacks for Planned Unit Developments; fence height regulations; and amendments to the cell tower ordinance.

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

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

### **ENVIRONMENTAL AFFAIRS ADVISORY BOARD (EAAB) REPORT**

Mrs. Fenderbosch announced a logo contest will be held by the EAAB.

### **AVON LAKE HISTORIC PRESERVATION COMMISSION REPORT**

Mr. Kos reported that the meeting of the Commission has been rescheduled from November 9<sup>th</sup> to November 16, 2010 at 7:00 P.M.

### **CABLE TELEVISION ADVISORY COMMISSION REPORT**

Mr. Kos reported on the following items discussed at the October 18, 2010 meeting: cable studio equipment needs; WOW installation progress in Avon Lake; new programming; and the small business seminars attended by the Cable Studio Manager.

Mr. Kos asked Mayor Zuber to request the cable studio to tape the upcoming all-electric homes public hearing in North Ridgeville.

### **ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT**

Mr. Rush read a report from Joe Archacki, Chair of the Economic Development Advisory Board, regarding on the Board's activities.

### **RENEWABLE ENERGY TASK FORCE REPORT**

Mrs. Fenderbosch announced the Task Force meeting has been rescheduled from November 11<sup>th</sup> to November 17, 2010.

### **MOTIONS**

Mr. Bucci moved to permit Mr. Rush to abstain from voting on Temporary Legislation #9757 due to a potential conflict of interest.

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

## LEGISLATION

### Third Reading:

Temporary Legislation #9744R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.01, ENTITLED BONDS, was read by title only.

Mr. Zilka moved for passage of Temporary Legislation #9744R. Currently the Finance Director has custody of all public officials' bonds. Codified Ordinance Section 260.01 will be amended with additional language stating that the bond of the Finance Director shall be in the custody of the Mayor and that such bond shall be forwarded to the Clerk of Council.

Yes: Kos, Meiners, O'Donnell, Rush, Zilka, Bucci, Fenderbosch  
No: None  
Motion carried.  
**Ordinance No. 113-2010 adopted.**

### Second Readings:

Temporary Legislation #9752, AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE CRUISERS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Rush moved for passage of Temporary Legislation #9752. The Police Chief recommended the purchase of three 2011 Ford Crown Victoria police cruisers from Statewide Ford through the State Purchasing Program in the amount of \$70,362.00.

Yes: Kos, Meiners, O'Donnell, Rush, Zilka, Bucci, Fenderbosch  
No: None  
Motion carried.  
**Ordinance No. 114-2010 adopted.**

Temporary Legislation #9753R, AN ORDINANCE AUTHORIZING THE FUNDING OF THE COST OF THE PURCHASE OF TRANSDERMAL ALCOHOL MONITORING DEVICES, AND DECLARING AN EMERGENCY, was read by title only.

The Judge of the Municipal Court recommended the purchase of 12 transdermal alcohol monitoring devices which will be paid from the Court's Indigent Drivers Alcohol Fund; fees from OVI offenses are deposited into this fund. The total amount is \$33,600.00.

First Readings:

Temporary Legislation #9756, A RESOLUTION RENEWING RESOLUTION NO. 272-2003 ESTABLISHING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA, AND DESIGNATING A HOUSING COUNCIL OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

The Community Reinvestment Area (CRA) program is governed by Ohio Revised Code Section 3735 and allows for tax abatements for certain businesses which comply with the requirements. The City is required to evaluate and renew the CRA agreements every two years. The Community Reinvestment Area encompasses the entire City.

Temporary Legislation #9757, AN ORDINANCE REVOKING THE COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THOMASINA PATTON AND TBP AVON LAKE, LLC AND DIRECTING THE LORAIN COUNTY AUDITOR TO TAKE ALL NECESSARY ACTIONS TO RECOVER ANY REAL PROPERTY TAXES EXEMPTED UNDER THE TERMS OF THE AGREEMENT FROM THE TIME PERIOD MAY 19, 2009 TO THE PRESENT, AND DECLARING AN EMERGENCY, was read by title only.

TBP wishes to opt out of the CRA agreement. The program has not been beneficial to the business owner.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

"Lite up the Park" will take place December 5, 2010 at 6:00 P.M.

The Avon Lake Landmark Preservation Society will hold a Chili Cook Off on November 13, 2010 at the Folger Home.

A school redistricting meeting will be held November 10, 2010 at Redwood School.

Mr. Kos participated in the Marine Corps Marathon and Tyler Jeske participated in the Air Force Marathon to raise money for the "Wounded Warrior Project".

Veterans Day is November 11<sup>th</sup>.

**PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake, asked for clarification regarding the proposed sewer project on Belmar.

Jan Van Wagner, 118 Herrmann Drive, Avon Lake, announced that the Helping Hands group will help seniors and physically challenged residents with leaf raking.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:35 P.M.

Approved:   
Council President

Attest:   
Clerk of Council