

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD NOVEMBER 9, 2009**

The Regular Meeting of the Avon Lake Municipal Council was called to order on November 9, 2009 at 7:30 P.M. in the Council Chamber with Council President Pro Tem O'Donnell presiding.

Mr. Stanek led the Council, staff, and public in reciting the Pledge of Allegiance.

Present: Council Members Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Michael Stanek, Mayor Zuber, Law Director William Kerner, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

There being no objections, Mr. Zilka was excused from attendance at the meeting.

**APPROVAL OF MINUTES**

The minutes of the October 26, 2009 Regular Council Meeting, and the October 19, 2009 Special Council Meeting were approved as prepared and published.

**CORRESPONDENCE**

A letter was received from the Lorain City Health Department regarding the H1N1 vaccination program. Information is available on the Avon Lake website.

A Fay Avenue resident sent a letter regarding continuous violations of city ordinances in reference to junk cars located on properties on Fay Avenue.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

Chemtron held a household hazardous waste collection on November 7, 2009.

Gateway Recycling conducted a community shred day at the Avon Lake Public Library on November 7, 2009.

Camp Imagine held a reverse raffle fundraiser on November 7, 2009.

The NOPEC General Assembly meeting will take place on November 10, 2009.

The Mayor, other elected officials, and representatives from Ford Motor Company will meet with the Ohio Department of Development to discuss future plans for the Ford plant.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee meeting is scheduled for November 16<sup>th</sup>. The next Regular Council meeting is scheduled for November 23<sup>rd</sup>.

The voters approved a Charter amendment allowing all members of the Board of Municipal Utilities to receive salary increases at the same time, rather than on a staggered basis, as approved by Council.

The Ohio Historical Society accepted the Peter Miller House Museum's application for a Historical Marker. The Friends of the Peter Miller House organization has raised \$1200 for the historical marker; an additional \$1000 is needed.

## **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

Residents are to place leaves on the tree lawn and not in the street for safety reasons and to keep catch basins clear.

## **LAW DIRECTOR'S REPORT**

The Law Department Update was distributed.

The City of Avon Lake and the Municipal Utilities Department have been named in a case filed by the City of Elyria. This case involves the issuance of permits to install sewer infrastructure related to the LORCO project. Mr. Kerner believes the matter will be concluded in the City's favor.

## **ENVIRONMENTAL COMMITTEE REPORT**

The Environmental Issues Series will continue at the Avon Lake Public Library on November 11, 2009; the topic is "Impact of the Water Cycle".

## **FINANCE COMMITTEE REPORT**

The exit conference with the State Auditor for the 2008 audit is scheduled for November 16, 2009 at 6:00 P.M. According to State law, this is a closed meeting.

An Audit/Finance Committee meeting is scheduled for November 16, 2009 at 6:45 P.M. The refinancing of bonds and the monthly financial statements will be reviewed.

## **PUBLIC SERVICE COMMITTEE REPORT**

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The Public Service Committee met on November 9, 2009. The Committee discussed the proposed historic preservation ordinance which will be discussed at the next Collective Committee meeting.

### **PUBLIC UTILITIES COMMITTEE REPORT**

A Public Utilities Committee meeting is scheduled for November 12, 2009 at 6:30 P.M. in the Council Conference Room; the Committee will discuss cell phone coverage.

Mr. Kos and the Cable Studio Manager will meet with a representative from Congresswoman Betty Sutton's office on November 13<sup>th</sup> to discuss HR 3745, the Community Access Preservation Act. They will request Mrs. Sutton to co-sponsor the resolution to support the preservation of community access channels.

### **SAFETY COMMITTEE REPORT**

Fire Chief Morris contacted Mr. Rush regarding SAFER grants to offset the cost of new Fire Department employees.

### **PLANNING COMMISSION REPORT**

A Special Planning Commission meeting is scheduled for November 19, 2009 at 7:30 P.M. to hear a presentation regarding the classroom expansions at Avon Lake schools, the stadium, and the new bus garage.

### **ZONING BOARD OF APPEALS**

Mayor Zuber reported on the following results of the October 28, 2009 Zoning Board of Appeals meeting: fence variances were granted for properties at 120 South Point and 32822 Lake Road; a fence variance was denied for a property at 32696 Lake Road; and an area variance for a swimming pool was granted for property at 31905 Woodside Circle.

### **CABLE ADVISORY COMMISSION REPORT**

The Cable Advisory Commission is scheduled to meet on November 19, 2009 at 7:15 P.M. at the Avon Lake Public Library.

### **RENEWABLE ENERGY TASK FORCE**

The Renewable Energy Task Force is scheduled to meet on November 18, 2009 at 6:00 P.M. in Council Chambers.

### **MOTIONS**

Mr. Rush moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating the City does not request a hearing in the matter of a new liquor license. Thai Chilli's Inc. located at 32730 Walker Road requested a new liquor license for on premises beer consumption, and for carry-out in sealed containers until 1:00 A.M. The Police Chief indicated there are no grounds for an objection.

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

No: None

Absent: Zilka

Motion carried.

## **LEGISLATION**

### Second Readings:

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

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

Temporary Legislation #9617, AN ORDINANCE APPROVING A MODIFICATION TO THE PLATS FOR GRAMERCY PLACE PHASES 1 & 2, AND DECLARING AN EMERGENCY, was read by title only.

Gramercy Place Subdivision Phases 1 & 2 have sublots containing wetlands. The plats need to be revised to reflect the mitigation of wetlands according to EPA regulations.

Temporary Legislation #9618R, AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Zilka

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9618R. Financial adjustments are needed for the following reasons: new recreation programs have generated additional revenue and expenses; the Service Department has additional

costs for supplies and building maintenance; and there are additional overtime costs in the Fire Department.

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

No: None

Absent: Zilka

Motion carried.

**Ordinance No. 109-2009 adopted.**

First Readings:

Temporary Legislation #9620, AN ORDINANCE ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Zilka

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9620. Every year it is necessary for the City to accept and authorize the amounts and rates necessary for the tax levies as determined by the County Budget Commission. The inside millage levies are as follows: 3.6 mills for the general fund; and 0.3 mills each for the fireman's fund and police pension fund. The outside millage levies are as follows: 1.5 mills for the general fund; 1.25 for the ambulance & EMS bond; and 0.41 mills for the aquatic center.

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

No: None

Absent: Zilka

Motion carried.

**Ordinance No. 110-2009 adopted.**

Temporary Legislation #9621, AN ORDINANCE APPROVING A CHANGE ORDER FOR THE AQUATIC CENTER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: Zilka

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9621. The pool contract contained an add alternate to upgrade the pool floor finish that will minimize the yearly pool maintenance. The amount of the change order is \$80,000.

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

No: None

Absent: Zilka

Motion carried.

**Ordinance No. 111-2009 adopted.**

Temporary Legislation #9622, A RESOLUTION IN SUPPORT OF FINANCIAL MANAGEMENT TRAINING PROVIDED BY THE OFFICE OF THE OHIO AUDITOR OF STATE, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: Zilka

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9622. The training session will assist Council members with development of the 2010 budget.

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

No: None

Absent: Zilka

Motion carried.

**Ordinance No. 112-2009 adopted.**

## **MISCELLANEOUS BUSINESS & ANNOUNCEMENTS**

The United States Marine Corps is celebrating its 234<sup>th</sup> anniversary.

## **PUBLIC INPUT**

Ms. Kimberly Johnson, 35376 Saddle Creek, Avon, Ohio, explained the Veterans Day celebration program at Learwood School.

Mr. Stanek moved to adjourn.

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

No: None

Absent: Zilka

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Motion carried.

Adjournment: 8:18 P.M.

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

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