

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
HELD SEPTEMBER 27, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on September 27, 2010 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mr. O'Donnell 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, Clerk of Council Barbara Dopp.

There being no objection, Mr. Eckert, Acting Finance Director, was excused from attendance at the meeting.

**CERTIFICATES OF RECOGNITION**

Mayor Zuber presented Certificates of Recognition to Marilyn Robertson and Carol Klekotta for their many years of service on the ADA Picnic Committee.

**CORRESPONDENCE**

A letter was received from Citizens for Lorain County Community College requesting Council to sponsor a resolution to demonstrate support for Issue 17, which is a 1.8 mill issue to continue the education and job preparation programs.

Kopf Construction requested suspension of the rule requiring three readings and emergency passage of the plat approval of Lake Breeze Allotment #4.

**MAYOR'S REPORT**

Mayor Zuber made the following announcements.

Interviews have been conducted for the position of Finance Director.

On September 21, 2010 the Economic Development Advisory Board held a small business seminar. The next seminar is scheduled for October 19, 2010 from 7:00 P.M. – 9:00 P.M. at the Lake House; the topic is "Health Care" with a presentation by COSE.

The "Big Trucks" Open House was held at the Safety Center on September 25, 2010.

The Mayor attended a birthday party for Viola Monzel who turned 100 years old on September 24<sup>th</sup>.

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The Mayor will attend the International Economic Development Conference in Columbus from September 28<sup>th</sup> to September 29<sup>th</sup>.

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

Mr. Zilka made the following announcements. A Work Session is scheduled for October 4<sup>th</sup> at 7:30 P.M. The Center for Municipal Solutions will present its report evaluating the Learwood Square site for the proposed Clear Wire telecommunications tower. Council will review the report and vote on the legislation at the October 25<sup>th</sup> Council Meeting. A Collective Committee meeting will follow the Work Session on October 4<sup>th</sup>.

Due to the Columbus Day holiday, the Regular Council Meeting has been re-scheduled to Tuesday, October 12<sup>th</sup> at 7:30 P.M.

An Executive Session will follow tonight's meeting to discuss the employment and compensation of a public employee.

Mr. Zilka read a letter of apology for a comment he made in an article in *The Press* regarding the collection of estates taxes from the estate of a deceased Avon Lake resident.

### **ENGINEERING DEPARTMENT REPORT**

The Engineering Department Update was distributed.

The Jaycox Road Sewer Project is ongoing. The southbound lane of Cherry Lane was poured. Crews are working on tree lawns on Jaycox between Lake Road and Electric Boulevard. Lateral construction on Lake Road is ongoing.

WOW is completing equipment installation on Brownstone Circle and will next move to the Westwinds Subdivision.

The contractor is finishing concrete repairs on Carriage Lane and will be moving south to Woodstock and Surrey.

The ditch work along the Ilg property acquired for parkland should be completed by the first week of October.

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

The Law Department Update was distributed.

### **ENVIRONMENTAL COMMITTEE REPORT**

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Mrs. Fenderbosch announced that the Environmental Committee is scheduled to meet on October 7, 2010 at 6:00 P.M.

The next "Environmental Issues" series is scheduled for October 13, 2010 at the Avon Lake Public Library; the topic is "First Energy Speaks Out on the Environment".

### **FINANCE COMMITTEE REPORT**

Mr. Zilka reported on the following topics discussed at the September 20, 2010 Finance Committee meeting: the presentation by WOW and TCI for a new phone system; the monthly financial statements; funding for the engineering of the traffic study recommendations; waiving of fees for Assembly Hall renovations; financial audit of the Finance Department; and funding for the repair of fire engine #4.

The next Finance Committee meeting is scheduled for October 18, 2010 at 6:30 P.M.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Bucci announced the Human Resources Committee is scheduled to meet on October 4, 2010 at 6:00 P.M. to consider the appointment of a Finance Director.

### **PUBLIC SERVICE COMMITTEE REPORT**

Mr. O'Donnell gave the following update on work performed by the Service Department. Catch basin and storm drainage repairs are completed on Belmar Boulevard, Midway Road, Berkshire Road, Krebs Road, Leeward Court, Electric Boulevard, Curtis Drive, Tomahawk Drive, and Forest Boulevard. Storm drainage work is presently being done on Inwood Boulevard, Walker Road, and Electric Boulevard.

Crack and sealing work was completed on Avon Belden Road, Lake Road, Gable Lane, Walker Road, Chatham Avenue, and Chelsea Avenue.

The Service Department also worked on turn lanes, school zones, cross walks, and the school zone flasher program.

### **PARKS & RECREATION COMMISSION**

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

### **CABLE TELEVISION ADVISORY COMMISSION**

Mr. Kos reported on the following topics discussed at the Cable Advisory Commission meeting held September 16, 2010: social media websites; DVD production; the purchase of equipment; and increased programming on the PEG channel.

The next meeting is scheduled for October 28, 2010 at 7:15 P.M.

## MOTIONS

Mrs. Fenderbosch moved to add a motion to the agenda to permit Mr. Rush to abstain from voting on Temporary Legislation #9742 due to a possible conflict of interest.

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

No: None

Motion carried.

Mr. Zilka moved to authorize the Mayor to solicit quotes for a financial audit of the Finance Department. This item was recommended by the Finance Committee to ensure there are no irregularities when the new Finance Director assumes the duties of the Finance Department.

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

No: None

Motion carried.

Mr. Zilka moved to authorize the Engineering Department to advertise for bids for a new phone system, phone service provider, internet provider, and Ethernet provider. WOW and TCI gave presentations to the Finance Committee for an upgraded phone system which will result in a cost savings for the City.

While contacting various companies, Scott Herrick, the IT Manager, received a quote for approximately \$73,000, which included maintenance and software upgrades for five years.

Mr. Rush pointed out that with a savings of \$11,000 per year, there will be a lengthy payback period. The bid specifications have not been defined and presented to Council.

Mr. Reitz stated that he wrote the bid specifications based on information provided by Mr. Herrick. The proposal does not specify detailed equipment, but does address the basics for a fiber optic internet based phone system and internet and Ethernet providers.

Mayor Zuber said \$70,000 is in the budget for a phone system. The new system will have advanced technology to allow for improved interdepartmental communication and efficiency.

Law Director Kerner stated that he reviewed the bid specifications and recommended changes. He stated that the project will be bid on a fair and equal basis. The City has the right to reject any bid that is unsatisfactory.

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

No: None

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Motion carried.

Mrs. Fenderbosch moved to authorize the waiving of Planning Commission fees for the Landmark Preservation Society. The Landmark Preservation Society requested waivers of Planning Commission fees and conditional use fees. The total amount is \$375. The City owns the property, which is leased to the Landmark Preservation Society.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to permit Mr. Rush to abstain from voting on Temporary Legislation #9732 due to a possible conflict of interest.

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

No: None

Motion carried.

### **LEGISLATION**

#### Second Readings:

Temporary Legislation #9735R, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN TO CONSTRUCT A WELCOME/VISITORS CENTER, MUSEUM, AND ADMINISTRATIVE OFFICES AT ASSEMBLY HALL, ALSO REFERRED TO AS THE FOLGER HOME, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9735R. The conditional use permit was approved by Planning Commission.

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

No: None

Motion carried.

**Ordinance No. 99-2010 adopted.**

Temporary Legislation #9736R, AN ORDINANCE APPROVING THE PLAT FOR THE RESUBDIVISION OF A PORTION OF COVE AVENUE AS PART OF THE LAKE

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BREEZE ALLOTMENT SUBDIVISION NO. 3, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9736R. This dedication plat will combine original sublots from the Lake Breeze Subdivision.

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

No: None

Motion carried.

**Ordinance No. 102-2010 adopted.**

First Readings:

Temporary Legislation #9741, AN ORDINANCE APPROVING AN AMENDMENT TO THE CONTRACT FOR THE 2010 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

The contractor requested an extension to the project completion date due to reorganization within the company. The new projected completion date is November 30<sup>th</sup>. The contractor is still working to meet the original completion date.

Temporary Legislation #9742, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH VASU COMMUNICATIONS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Abstention: Rush

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9742. Vasu Communication requested a change order in the amount of \$5,742.50 for the installation of the 911 system at the pool. The 911 system was not included in their original quote. Mr. Zilka pointed out that the change order puts the contract amount over the \$25,000 requirement for advertisement for bids, but it was necessary to install the equipment before the pool could open.

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

No: None  
Abstention: Rush  
Motion carried.

**Ordinance No. 100- 2010 adopted.**

Temporary Legislation #9743, AN ORDINANCE APPROVING A CONDITIONAL USE SITE PLAN FOR IMPROVEMENTS TO ASSEMBLY HALL, ALSO REFERRED TO AS THE FOLGER HOME, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Temporary Legislation #9743. The site plan includes improvements to the westerly porch, construction of an ADA approved restroom, and construction of an internal stairway on the west end of the building.

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

**Ordinance No. 101-2010 adopted.**

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

Currently, the Finance Director has custody of all public official bonds required for certain City employees. Law Director Kerner recommended that Codified Ordinance Section 260.01 be amended with the addition of language stating that the bond of the Finance Director shall be in the custody of the Mayor. This will ensure that the Mayor has evidence that the Director of Finance is properly bonded as required.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The Homecoming festivities will begin Thursday, September 30<sup>th</sup>.

The all-electric home issue has reverted back to the PUCO. Public Hearings will be scheduled.

**PUBLIC INPUT**

John Earley, 117 Highland Avenue, thanked Council for passage of ordinances regarding Assembly Hall/Folger Home.

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Chris Quinlan, 73 Community Drive, Avon Lake, announced the Homecoming Parade will begin at 10:30 A.M. on October 2<sup>nd</sup>.

**EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to discuss the employment and compensation of a public employee.

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

No: None

Motion carried.

Adjournment: 8:46 P.M.

**RECONVENING OF OPEN COUNCIL MEETING**

The open Council meeting was reconvened at 9:23 P.M.

Present: Dan Bucci, Jennifer Fenderbosch, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner.

Mr. O'Donnell moved to adjourn.

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

No: None

Motion carried.

Adjournment: 9:24 P.M.

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

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