

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD SEPTEMBER 10, 2012**

The regular meeting of the Avon Lake Municipal Council was called to order on September 10, 2012 at 7:53 P.M. following the Collective Committee Meeting in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Dan Bucci, Jennifer Fenderbosch, Rob James, David Kos, Larry Meiners, Martin O'Donnell, John Shondel, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the August 27, 2012 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

A farmer in Avon has been using an air cannon to scare off wildlife and protect his crops. The air cannon noise continues all night at regular intervals and is disturbing the sleep of residents in the area. The Law Director wrote an opinion stating that since the property is not currently classified as an agricultural use pursuant to Ohio Revised Code, residents of Avon Lake may bring an action to enjoin the use of the air cannon. Mr. Schoeber allowed his agricultural use permit to expire and is, therefore, under the jurisdiction of the noise ordinance. A resident of Avon Lake would have to file an injunction asking that the use of the air cannon be stopped.

The Mayor attended the dedication of the "Blackstone Launch Pad" program at Lorain County Community College aimed at communities hit hardest by the global economic crises. The Blackstone Charitable Foundation has committed \$50 million to foster entrepreneurship. The Burton D. Morgan Foundation is partnering with Blackstone for the purpose of developing a process by which individuals can develop profiles and ideas, and receive coaching from mentors.

Community Resources Services thanked the City of Avon Lake for the \$1500 donation which came from the surplus funds from the fireworks.

The Mayor has been in contact with PJM, the firm that handles the distribution of electricity in the area's grid. The Mayor's concern is whether or not the area can

provide enough power for businesses to continue and expand. Mr. Stroop, Manager of the State Government Policy of PJM Interconnect, told the Mayor there are ample generation resources available to support economic development in Avon Lake, and that PJM is continually evaluating the status of all power transmission systems to assure resources are deliverable. They are required to maintain a 15.4% reserve margin above its forecasted summer peak demand to satisfy reliability criteria established by the North American Electric Reliability Corporation. Mr. Stroop forwarded information to the Mayor which will be referred to the Chair of the Public Utilities Committee.

The Ohio Department of Natural Resources informed the Mayor that the City has met the requirements to establish no boating restrictions behind the GenOn plant. Mr. Reitz explained that four additional signage areas have been established northeast of the existing beach at Miller Road Park. Buoys will be placed in the water restricting boating in the area.

Love-a-Stray held a dog swim at the Avon Lake municipal pool.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell made the following announcements.

The next Collective Committee meeting is scheduled for September 17, 2012. The next Regular Council meeting is scheduled for September 24, 2012.

The Law Director requested that an Executive Session be added to the agenda to discuss pending and imminent litigation.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

The work has been completed on the asphalt street program. Concrete street repairs have begun in the Brunswick Road area.

LAW DIRECTOR'S REPORT

The Law Department report on pending litigation was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Issues series will continue at the Avon Lake Public Library on September 12, 2012 at 7:00 P.M.; the topic is "Hazardous Waste, Storm Water and You".

FINANCE COMMITTEE REPORT

September 10, 2012 Council Meeting Minutes

Mr. Meiners reported on the following items discussed at the September 10, 2012 Finance Committee meeting: the payment of warrants, the July final financial statement, general fund figures, and the transfer of funds.

SEWER COMMITTEE REPORT

The Sewer Committee is scheduled to meet September 13, 2012 at 6:30 P.M. The following items will be added to the agenda: lateral fee adjustments, and the sanitary sewer connection at the Drug Mart Plaza. Discussion regarding the fountains at the Bridgeside/Pine Meadows retention basin has been removed from the agenda; this item will be referred back to the Public Service Committee.

MOTIONS

Mr. James moved to add a motion to the agenda to appoint Patrick Manning to the Environmental Affairs Advisory Board.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved to add a motion to the agenda to adjourn to Executive Session to discuss pending and imminent litigation pursuant of Ohio Revised Code Section 121.22.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved to accept the donation of a canopy tent to the Recreation Department from the Avon Lake High School Athletic Boosters Club.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved to authorize the advertisement of bids for janitorial services at City Hall, the Safety Center, and the Service Department.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved to authorize a five-year lease agreement with MT Business to provide a copier to the Engineering Department.

September 10, 2012 Council Meeting Minutes

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. Kos moved to authorize the Mayor to enter into an agreement with Emergency Communications Network, LLC in the amount of \$13,400 for a CodeRED Emergency Notification System and CodeRED Weather Warning Service.

The contract for the CodeRED emergency alert system is due to expire. The Fire Department requested a one-year renewal contract with Emergency Network, LLC in the amount of \$13,400.00 for a CodeRED Emergency Notification System and CodeRED Weather Warning Service. This item was recommended by the Safety Committee.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. James moved to appoint Patrick G. Manning to the Environmental Affairs Advisory Board. Mr. James reviewed Mr. Manning's resume.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

LEGISLATION

Mr. Meiners moved to add to the agenda Temporary Legislation #10052, authorizing the transfer of funds.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Second Reading:

Temporary Legislation #10043, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH IMOD MANAGEMENT GROUP LLC/ DESIGN ENGINEERING, INC. TO ALLOW FOR THE EXPANSION OF IMOD MANAGEMENT GROUP LLC/DESIGN ENGINEERING INC'S OPERATIONS WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY, was read by title only.

IMOD Management requested 75% tax abatement for the expansion of its operations on Moore Road to include construction of a 12,000 square foot building.

September 10, 2012 Council Meeting Minutes

The total project investment is \$755,000 with five new jobs being added. The Board of Education approved the abatement.

First Readings:

Temporary Legislation #10046, AN ORDINANCE REPEALING RESOLUTION NO. 121-2012, APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10046. An incorrect submerged lease number was referred to in the ordinance; a new ordinance will be presented with the correct lease number.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Ordinance No. 123-2012 adopted.

Temporary Legislation #10047, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #10047. The City of Avon Lake is requesting a modification to an existing submerged land lease at Veterans Memorial Park for work on the breakwall.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Resolution No. 124-2012 adopted.

Temporary Legislation #10048, AN ORDINANCE AMENDING CHAPTER 1217.03 OF THE PLANNING & ZONING CODE, ENTITLED SITE PLAN REVIEW, was read by title only.

September 10, 2012 Council Meeting Minutes

At the September 4, 2012 meeting, Planning Commission approved and recommend to Council amendments to Planning & Zoning Code Chapter 1217.03. These amendments are relative to site plan review and stormwater mandates, and how each site plan relates to the Sustainability Master Plan found in the Comprehensive Land Use Plan.

Temporary Legislation #10049, AN ORDINANCE PROVIDING FOR COUNCIL TO AUTHORIZE THE DRAWING OF WARRANTS FOR THE PAYMENT OF AMOUNTS DUE, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10049. Certain purchases were made by departments before the required purchase orders were processed. This ordinance authorizes the payment of those purchases. Department head education and new software will help to eliminate these purchases from occurring without the proper purchase order.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Ordinance No. 125-2012 adopted.

Temporary Legislation #10050, AN ORDINANCE AUTHORIZING THE PURCHASE OF A LARGE FORMAT COPIER/SCANNER/PLOTTER FOR THE ENGINEERING DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Engineering Department requested authority to purchase this equipment to replace equipment that is no longer working. The copier/scanner/plotter will be purchased from R&K Technologies in the amount of \$15,285.00.

Temporary Legislation #10051, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF AVON FOR THE SHARING OF BUILDING DEPARTMENT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

The City of Avon and the City of Avon Lake have been sharing personnel for building inspections. This agreement, which has been approved by the City of Avon, defines the responsibilities and liability for each city.

Temporary Legislation #10052, AN ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #10052. The Finance Director determined that certain transfers of funds are necessary for the immediate expenses of the City.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Ordinance No. 126-2012 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

Charles Whitmer announced his resignation from the Avon Lake Board of Municipal Utilities effective October 1, 2012.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22, Mr. Meiners moved to adjourn to Executive Session to discuss pending and imminent litigation.

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

Adjournment: 8:21 P.M.

RECONVENING OF OPEN COUNCIL MEETING

The open Council Meeting reconvened at 9:33 P.M.

Present: Mr. Bucci, Mrs., Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Law Director Lieberman.

Mr. Meiners moved for adjournment:

Yes: Meiners, O'Donnell, Shondel, Bucci, Fenderbosch, James, Kos

No: None

Motion carried.

September 10, 2012 Council Meeting Minutes

Adjournment: 9:34 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council