

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD DECEMBER 21, 2009**

The Rescheduled Meeting of the Avon Lake Municipal Council was called to order on December 21, 2009 at 8:35 P.M. in the Council Chamber with Council President Zilka 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, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

Independence Village held a Community Breakfast on December 16, 2009.

City workers enjoyed a holiday party on December 17, 2009.

Memorial plaques honoring veterans Captain Meiners, Captain Bergenstein, and Captain Medders were unveiled at a dedication ceremony at The Garden of Empowerment/911 Memorial at the Avon Lake High School.

Currently there is approximately \$1.3 million of unspent money in the general fund budget. One more payroll of approximately \$300,000 is due on December 31st. The Finance Director estimates \$500,000 or more will be carried over. This amount will reduce the budgeted deficit by one-half or more.

COUNCIL PRESIDENT'S REPORT

No meeting is scheduled for December 28, 2009. Council will hold an organizational meeting on January 4, 2010 at 7:30 P.M. The oaths of office will be administered to the newly elected Council Members. A Collective Committee Meeting will follow the organizational meeting.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

The Environmental Series will continue at the Avon Lake Public Library on January 13, 2010; the topic is "Green Building Initiative".

SEWER COMMITTEE REPORT

Bids were received on December 2, 2009 for the Jaycox Sewer Separation Project. The low bid of \$2,870,400 was submitted by DeGioia Suburban Excavating. This bid is within the original estimate. The total amount borrowed will include 10% contingency and inspection costs. The application for OWDA funds will be submitted by January 15, 2010. Construction should begin in March 2010.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD

Mrs. Fenderbosch reported the Environmental Affairs Advisory Board met December 2, 2009. Amy Nasr was chosen as the new Chair of the Board. The next meeting is scheduled for January 6, 2010.

RENEWABLE ENERGY TASK FORCE

The Renewable Energy Task Force met December 1, 2009. The Task Force will continue to work on legislation for wind turbines and solar energy for the Planning & Zoning Code. They will also work with other entities to produce a newspaper article on wind myths versus facts, titled "Did You Know". The next meeting is scheduled for January 14, 2010.

LEGISLATION

Mr. Stanek moved to add Temporary Legislation #9640 to the agenda.

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

No: None

Motion carried.

Third Readings:

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.

Mr. Stanek moved for passage of Temporary Legislation #9624. The temporary budget is developed annually to allow for expenditures until the permanent budget is adopted by April 1, 2010.

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

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No: None

Motion carried.

Ordinance No. 122-2009 adopted.

Temporary Legislation #9625, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9625. 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.

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

No: None

Motion carried.

Ordinance No. 123-2009 adopted.

Second Readings:

Temporary Legislation #9631, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN TO CONSTRUCT A 130 FOOT TALL MONOPOLE WIRELESS TELECOMMUNICATIONS TOWER ON MUNICIPAL PROPERTY, was read by title only.

The tower will be constructed on the northwest corner of Avon Belden Road and Electric Boulevard behind City Hall and will provide improved cell coverage to AT&T subscribers.

Temporary Legislation #9633, AN ORDINANCE AMENDING CHAPTER 208 OF THE CODIFIED ORDINANCES, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

The amendment would eliminate the \$50.00 Planning Commission agenda fee for a proposed minor alteration to a previously approved plan. The request for minor alterations will go through department review to determine if the alteration is minor. If the requested alteration is determined not to be minor, it would then go to Planning Commission and the \$50.00 fee would be applicable.

First Readings:

Temporary Legislation #9636, AN ORDINANCE ESTABLISHING A FUND NUMBER TO FACILITATE RECORDING REVENUES AND EXPENDITURES RELATIVE TO THE LORCO COLLECTION SYSTEM CONSTRUCTION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9636. The new fund is required for the LORCO project due to grant funds that will be received.

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

No: None

Motion carried.

Ordinance No. 124-2009 adopted.

Temporary Legislation #9637, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 32136 Lake Road requested a submerged land lease to construct erosion protection in Lake Erie. This Resolution is required by the Ohio Department of Natural Resources.

Temporary Legislation #9638, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, AND DECLARING AN EMERGENCY, was read by title only.

A property owner at 32304 Lake Road requested a submerged land lease to construct erosion protection in Lake Erie. This Resolution is required by the Ohio Department of Natural Resources.

Temporary Legislation #9639, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE, OHIO TO ENTER INTO AN AGREEMENT TO PURCHASE APPROXIMATELY 5.0637 ACRES OF LAND TO BE USED FOR PARKLAND PURPOSES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9639. The purchase price is \$258,000, 75% of which may be eligible to be paid through the Clean Ohio Conservation Fund Program if approved by the Ohio Public Works Commission. The purchase will be contingent upon receipt of grant funds.

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

No: None

Motion carried.

Ordinance No. 125-2009 adopted.

Temporary Legislation #9640, AN ORDINANCE PROVIDING FOR ADDITIONAL APPROPRIATIONS, ADVANCES, AND ADJUSTMENTS IN ESTIMATED REVENUE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Stanek moved for passage of Temporary Legislation #9640. These are the final adjustments for the 2009 budget as recommended by the Finance Director.

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

No: None

Motion carried.

Ordinance No. 126-2009 adopted.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

Council President Zilka presented out-going Council Member Michael Stanek with a gift of appreciation for his past service on Avon Lake City Council.

PUBLIC INPUT

State Representative Matt Lundy presented a Commendation from the Ohio House of Representatives to Michael Stanek for his public service.

State Representative Matt Lundy presented a Commendation from the Ohio House of Representatives to Gregory Zilka as a recipient of the David C. Sweet Leadership Academy Award from Cleveland State University.

Chris Quinlan, 73 Community Drive, Avon Lake, expressed his appreciation to Mr. Stanek.

Geoffrey Smith, 33834 Lake Road, Avon Lake, commended Mr. Stanek on his service to the community.

Adjournment

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:10 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council