

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD APRIL 12, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on April 12, 2010 at 8:46 P.M. following the Collective Committee Meeting in the Council Chamber with Council President Zilka presiding.

Mr. Bucci 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.

Absent: Finance Director DiLellio

There being no objections, Mr. DiLellio was excused from the meeting.

APPROVAL OF MINUTES

The minutes of the March 22, 2010 Regular Council Meeting were approved as amended.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The North Coast Regional Chamber of Commerce sponsored a luncheon on March 25, 2010 for area Mayors.

PolyOne will expand its operation by creating a new research facility in Avon Lake; ten new jobs and a \$700,000 payroll will be added.

The Lorain City Health Report was distributed.

The July 4th fireworks contract will be available to Council.

COUNCIL PRESIDENT'S REPORT

Mr. Zilka made the following announcements.

The next Collective Committee meeting is scheduled for April 19th. A Work Session will precede the Collective Committee Meeting. A representative from the Lorain County Board of Mental Health will discuss Issue 12 which will appear on the May

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ballot, and a representative from the Tree Commission will discuss the emerald ash borer infestation. The next Regular Council Meeting is scheduled for April 26th.

Financial Disclosure Statements for elected officials are due to the Ohio Ethics Commission by April 15, 2010.

The Memorial Day Parade will be held on May 31, 2010 at 10:00 A.M. Council Members should notify the Clerk if they will participate.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

An "Earth Day Birthday" celebration will be held at Pembroke Kids Child Care Center on Pin Oak Parkway on April 18, 2010 beginning at 2:00 P.M.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch made the following announcements.

The Environmental Affairs Advisory Board (EAAB) met on April 7, 2010 and discussed the following items: PolyOne expansion; Applied Specialties expansion; the purchase of a sign; and their participation in events in 2010. Grants are available for the purchase of large sun shades. The EAAB and the Lorain City Health Department applied for an \$8000 grant for a sun shade to be placed at Westview School.

FINANCE COMMITTEE REPORT

The Finance Committee is scheduled to meet April 19, 2010 at 6:30 P.M. Mr. Zilka forwarded a letter to *The Press* regarding the renewal of the operating levy which will appear on the May ballot.

SAFETY COMMITTEE REPORT

A Safety Committee meeting is scheduled for April 14, 2010 at 6:00 P.M. at the Safety Center. Items of discussion include EMS billing and disposition of Fire Engine 3.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The Economic Development Committee held an organizational meeting on April 6, 2010. The Committee will concentrate on a business retention program.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported on the following results of the April 6, 2010 Planning Commission Meeting.

- A site plan for Allblend Ltd. /Applied Specialties was approved 6-0.
- A site plan with waivers for building additions for Erieview School was approved 6-0.
- A site plan for building additions and renovations for Westview School was approved 6-0.
- A site plan for building additions and renovations for Redwood School was approved 6-0.
- A site plan for building additions and renovations for Eastview School was approved 6-0.
- A site plan for building additions and renovations for Learwood School was approved 6-0.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals met on March 23, 2010 at 7:00 P.M. A variance for lot regulation was denied for property at 31906 Lake Road.

PARKS & RECREATION COMMISSION REPORT

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

CABLE TELEVISION ADVISORY COMMISSION REPORT

Mr. Kos reported on the following topics discussed at the March 18, 2010 Cable Television Advisory Commission meeting: PEG Central programs; new cable studio equipment; and review of the cable ordinances.

A Public Utilities/Cable Television Advisory Commission Meeting is scheduled for April 15, 2010.

RENEWABLE ENERGY TASK FORCE REPORT

Mrs. Fenderbosch reported on the Renewable Energy Task Force meeting held April 8, 2010. The following items were discussed: the PACE Grant; the sustainable master plan statement; the wind turbine zoning ordinance; and the NexGen energy proposal.

MOTIONS

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Mr. Bucci moved to add a motion to the agenda accepting the resignation of Michael Sepesi.

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

No: None

Motion carried.

Mr. O'Donnell moved to approve the purchase of a pick-up truck for the Recreation Department. The Ford Ranger will be purchased from Valley Ford Truck in the amount of \$14,886.00 through the State Purchasing Program.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the Mayor to sign a stormwater training grant agreement with the Ohio Department of Natural Resources. A DVD will be created to educate homeowner associations about retention ponds.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for the 2010 concrete street program.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept a donation for the Squeaky Sneakers Program. Mr. Ken Nelson donated \$123.44 for the purchase of equipment for the program.

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

No: None

Motion carried.

Mr. Bucci moved to accept the resignation of Michael Sepesi from the Service Department. Mr. Sepesi is retiring.

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

No: None

Motion carried.

LEGISLATION

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Mr. O'Donnell moved to remove from the agenda Temporary Legislation #9694, authorizing the purchase of security cameras for the aquatic center.

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

No: None

Motion carried.

Third Reading:

Temporary Legislation #9675, AN ORDINANCE CREATING THE POSITION OF ADMINISTRATIVE ASSISTANT IN THE AVON LAKE MUNICIPAL UTILITIES DEPARTMENT, was read by title only.

Mr. Bucci moved for passage of Temporary Legislation #9675. The Board of Municipal Utilities requested Council to create a full-time Administrative Assistant position in the Utilities Department due to the increased operations associated with the LORCO project. This item was approved and recommended to Council by the Human Resources Committee. In answer to Mr. Meiners, Mayor Zuber stated that this salary would be paid for by LORCO.

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

No: None

Motion carried.

Ordinance No. 45-2010 adopted.

Second Reading:

Temporary Legislation #9680, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,950,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT AND REFUNDING BONDS, SERIES 2001, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9680. Currently the City is paying off the debt for the Central Avon Lake Drainage Project (CALDP), the Safety Center, and other water system projects with interest rates in the 5% range. By refinancing the bond, the City could obtain interest rates in the 3% range which

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could save the City approximately \$20,000 per year for 10 years. The current debt will be retired in 2020; the refinancing will not alter that date.

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

No: None

Motion carried.

Ordinance No. 46-2010 adopted.

First Readings:

Temporary Legislation #9681, AN ORDINANCE IMPLEMENTING A PROGRAM AND SETTING FEES FOR EMERGENCY AMBULANCE TRANSPORT SERVICES PROVIDED BY THE CITY OF AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

The City established an insurance only billing practice for ambulance service as a source of revenue. MediCount Management Inc. will provide the billing services.

Temporary Legislation #9682, A RESOLUTION URGING THE PUBLIC UTILITIES COMMISSION OF OHIO AND FIRST ENERGY TO MAKE RESTORATION OF DISCOUNTS FOR ALL-ELECTRIC HOMES RETROACTIVE TO THE DATE THEY HAD BEEN ELIMINATED, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #9682. The Resolution requests permanent restoration of the discounted rates for all-electric homes to be applied to the property and not the owner.

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

No: None

Motion carried.

Ordinance No. 47-2010 adopted.

Temporary Legislation #9683, AN ORDINANCE AWARDED A CONTRACT FOR THE 2010 ASPHALT STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

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No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9683. Precision Paving submitted the low bid in the amount is \$561,835.00.

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

No: None

Motion carried.

Ordinance No. 48-2010 adopted.

Temporary Legislation #9685, AN ORDINANCE APPROVING A SITE PLAN WITH WAIVERS FOR BUILDING ADDITIONS AND RENOVATIONS AT ERIEVIEW SCHOOL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9685. This item was approved by Planning Commission and recommended to Council. The waivers include additional parking and a side setback to accommodate the building expansion.

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

No: None

Motion carried.

Ordinance No. 49-2010 adopted.

Temporary Legislation #9686, AN ORDINANCE AMENDING CHAPTER 208 OF THE CODIFIED ORDINANCES, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

By this Ordinance, the fees for ambulance transport billing will be established. The fees are comparable to those charged by surrounding communities.

Temporary Legislation #9687, AN ORDINANCE AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING AN EMERGENCY, was read by title only.

The Lear Road/Walker Road Intersection Project will be submitted for the grant. The project includes turn lanes and traffic signal upgrades.

Temporary Legislation #9688, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO PICK-UP TRUCKS FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9688. Two 2010 Ford pick-up trucks will be purchased through the State Purchasing Program in the total amount of \$48,382.64.

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

No: None

Motion carried.

Ordinance No. 50-2010 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Quantico Marine Band will perform on May 23, 2010 at 3:00 P.M. at the Avon Lake Performing Arts Center at the High School.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, announced that Relay for Life will be held this year in the City of Avon due to the stadium renovations in Avon Lake.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:52 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council