

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 23, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 23, 2012 at 7:30 P.M. in the Council Chamber with Council President Pro Tem O'Donnell presiding.

Mr. James 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, Mayor Zilka, Law Director Abe Lieberman, Finance Director Nancy Bryan, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

Mr. O'Donnell moved to add a motion to the agenda to accept the resignation of Gregory Zilka from the position of Council-at-Large.

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

Mr. O'Donnell moved to accept the resignation of Gregory Zilka from the position of Council-at-Large effective December 31, 2011.

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

APPOINTMENT OF A COUNCIL-AT-LARGE MEMBER

Mr. O'Donnell moved to appoint John Shondel to the position of Council-at-Large for a term expiring December 31, 2013.

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

Law Director Lieberman administered the oath of office to John Shondel.

APPROVAL OF MINUTES

The minutes of the January 3, 2012 and January 9, 2012 Council Meetings were approved as prepared and published.

PUBLIC HEARING

A Public Hearing upon an application for historical landmark designation for the building and property at the Peter Miller House was called to order at 7:45 P.M.

Mr. Shondel reviewed the application and the history of the building.

The Public Hearing was closed at 7:49 P.M.

CORRESPONDENCE

A letter was received from Tony Abram, 32363 Electric Boulevard, suggesting that Council may wish to amend Charter Section 9A to reinstitute the 60 day filing deadline before an election.

Randy Bennett submitted his letter of resignation from the Police Department effective February 20, 2012.

A letter was received from the Lorain County Chamber of Commerce announcing their special meeting on the formation of a regional sewer district on January 24th at 6:00 P.M. at the Spitzer Conference Center.

MAYOR'S REPORT

Mayor Zilka will hold the following ward meeting to provide information to residents and hear their concerns: Ward I – February 15, 2012 at 7:00 at Learwood Middle School; Ward II – February 22, 2012 at 7:00 at Learwood Middle School; Ward III – March 14, 2012 at 7:00 at Troy Intermediate School; Ward IV – March 21, 2012 at 7:00 at Troy Intermediate School. The following officials will be present at each meeting: Police Chief Owad, Fire Chief Eisenhardt, Service Director Lescher, Engineering Department Manager Reitz, and the appropriate ward councilperson.

Budget meetings have been held with department heads. Council will hold a budget meeting on January 30th.

Mayor Zilka will attend a dedication ceremony on January 28th at 11:00 A.M. for the Lorain County Rural Waste District Phase I Project, which includes approximately 37 miles of sanitary collection sewers and 13 pump stations in parts of Eaton and Carlisle Townships.

Firefighter/Paramedics John Rogers, Jeremy Betsa, Frank Ogle, Fred Berner, and Aaron Egut assisted in an emergency delivery of a baby girl at the Aslaksen home on Brookfield.

COUNCIL PRESIDENT'S REPORT

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Immediately following tonight's Council meeting, Council will hold an organizational meeting in the Council Conference Room to elect a Council President and President Pro Tem.

January 30th is the fifth Monday of the month and no Council meeting is scheduled. Council will hold a budget meeting on January 30th at 6:00 P.M. in the Council Conference Room.

The next Collective Committee meeting is scheduled for February 6th. The next regular Council meeting is scheduled for February 13th.

Council members are required to submit all committee meeting minutes and their Council annual reports.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

Mr. Meiners pointed out that there is a balance of \$123,000.00 in the pool levy fund; the City's bond counsel recommended that the funds be spent by July of 2012. Mr. Meiners asked for a legal opinion from the Law Director regarding the time restriction for expenditure of the remaining levy funds. Mrs. Fenderbosch asked the Law Director to provide an opinion regarding where the remaining funds can be spent. She also asked for an opinion regarding the actual boundaries of Bleser Park and if City Hall property is included in the park parcel.

Mr. Meiners requested Mr. Reitz to provide a preliminary list of street rankings for 2012 and 2013 street repairs.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James made the following announcement. The Environmental Affairs Advisory Board is scheduled to meet on February 1, 2012 at 6:30 P.M. at the Lake House; deer management will be discussed. The Environmental Issues Series will continue on February 8, 2012 at the Avon Lake Public Library at 7:00 P.M.; discussion will cover the responsibilities and duties of the Ohio EPA. A joint meeting between the Environmental Committee and the Sewer Committee is scheduled for February 9, 2012 at 6:30 P.M.

FINANCE COMMITTEE MEETING

Mr. Meiners reported on the following items discussed at the January 23, 2012 Finance Committee meeting: the final November financial statement, the December preliminary financial statement, general fund expenditures, LORCO funds, transfers and advancements, insurance premiums for terrorism and fireworks coverage, the Troy School driveway project, capital improvement funding, and the 2012 budget.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced the Human Resources Committee is scheduled to meet on January 24, 2012 at 6:15 P.M.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell announced a Public Service Committee meeting is scheduled for February 1, 2012 at 7:30 P.M.

SAFETY COMMITTEE REPORT

Mr. Kos reported on the following items discussed at the January 18, 2012 Safety Committee meeting: an EMS software contract, review of the Fire and Police Departments dispatch systems, and a donation from GenOn to the Fire Department.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the following items discussed at the January 13, 2012 Sewer Committee meeting: stormwater ordinance updates, Crestwood/Moorewood sewer separation design update, and stormwater master plan update timeline options.

The Sewer Committee will meet on the second Thursday of the month at 6:30 P.M. in the Engineering Conference Room. The next meeting is scheduled for February 9, 2012.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Bucci announced the Economic Development Committee is scheduled to meet on January 24, 2012 following the Human Resources Committee meeting.

PARKS & RECREATION COMMISSION REPORT

The Parks & Recreation Commission is scheduled to meet January 25, 2012 at 7:00 P.M.

CABLE ADVISORY COMMISSION REPORT

Mr. Kos reported on the 2011 highlights.

ECONOMIC DEVELOPMENT ADVISORY BOARD REPORT

The Economic Development Advisory Board is scheduled to meet January 26, 2012 at 6:30 P.M.

AVON LAKE COMMUNITY COUNCIL REPORT

Nominations are being accepted for the Citizen of the Year and Project of the Year awards; nominations must be received by March 16, 2012. Applications are available at City Hall, and on the Avon Lake website.

MOTIONS

Mr. O'Donnell moved to designate Elizabeth Gedeon as the representative for Mayor Zilka for public records training. The public records law requires all elected officials or their designee to attend a public records training seminar for each elected term.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. O'Donnell moved to designate Barbara Dopp as the representative for Ward Council Members and Council-at-Large Members for public records training.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for the Miller Road Park Boat Launch Sand Dredging Project. This project is performed annually to clear sand from the boat launch area.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. Kos moved to accept the donation of a thermal imaging camera in the amount of \$7,242.00 from GenOn. The camera will be used by the Fire Department.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. Kos moved to authorize the Mayor to enter into an agreement with emsCharts Service. Fire Chief Eisenhardt recommended this agreement for a software contract to standardize and simplify forms used on EMS runs. Under this agreement, there will be no cost to the City.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mrs. Fenderbosch moved to appoint Marty O'Donnell, Rob James, and Larry Meiners to the Walker Road Park Ad Hoc Committee. The ad hoc committee was formed to monitor the development of Walker Road Park which is owned jointly with Bay Village.

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

No: None

Motion carried.

Mr. O'Donnell moved to confirm the Mayor's appointment of James Motz to the Zoning Board of Appeals for a term expiring December 31, 2016.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

Temporary Legislation #9904, AN ORDINANCE AMENDING THE PLANNING & ZONING CODE OF THE CITY OF AVON LAKE BY ADOPTING THE RENEWABLE ENERGY SYSTEMS REGULATIONS, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #9904. The amendment establishes and defines the regulations for an application for a wind turbine or solar installation. The purpose is to regulate the construction, modification, and operation of renewable energy systems in the City including Avon Lake's jurisdictional limit of two miles into Lake Erie subject to reasonable conditions that will protect the public health, safety, and welfare while preserving the enjoyment of private property, promoting orderly land use and development, and allowing the safe, effective, and efficient use of renewable energy systems installed to reduce the onsite consumption of utility supplied electricity.

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

No: None

Motion carried.

Ordinance No. 6-2012 adopted.

Second Reading:

Temporary Legislation #9918, AN ORDINANCE DESIGNATING THE PETER MILLER HOUSE AND PROPERTY AS AN HISTORICAL LANDMARK, was read by title only.

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Only the building and surrounding property will be considered for historic landmark designation. Usage of the remainder of Miller Road Park will not be affected.

First Readings:

Temporary Legislation #9926, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH MIKE BRAMHALL AND BRAMHALL ENGINEERING & SURVEYING COMPANY, AND DECLARING AN EMERGENCY, was read by title only.

Bramhall Engineering & Surveying Company has been acting as the City's authorized engineer. The Charter requires that an individual be named as the designated engineer, rather than a company. The ordinance will name Mike Bramhall as the City's certified engineer.

Temporary Legislation #9927, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR KARL C. ZUBER, was read in its entirety.

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

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

No: None

Motion carried.

Mrs. Kos moved for passage of Temporary Legislation #9927.

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

No: None

Motion carried.

Resolution No. 7-2012 adopted.

Temporary Legislation #9928, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR TIMOTHY RUSH, was read in its entirety.

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

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #9928.

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

No: None

Motion carried.

Resolution No. 8-2012 adopted.

Temporary Legislation #9929, AN ORDINANCE AUTHORIZING THE DONATION OF UNCLAIMED PROPERTY IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

The Police Chief recommended donating unclaimed bicycles to the Oberlin Bike Coop.

Temporary Legislation #9930, AN ORDINANCE PROVIDING FOR TRANSFERS, AMENDMENTS TO PERMANENT APPROPRIATIONS, ADVANCES, AND ADJUSTMENTS TO ESTIMATED REVENUES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9930. The Finance Director determined that certain transactions are necessary for the current expenses of the City and the funding of various projects.

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

No: None

Motion carried.

Ordinance No. 9-2012 adopted.

Temporary Legislation #9931, AN ORDINANCE AMENDING RESOLUTION 138-2011 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2012, AND DECLARING AN EMERGENCY, was read by title only.

By this ordinance, the 2012 budget will be adopted. The City is required by law to submit the budget to the County Auditor by March 31, 2012.

Temporary Legislation #9932, A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO DISPOSE OF CERTAIN CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF FEBRUARY 1, 2012 THROUGH DECEMBER 31, 2012, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9932. By this resolution, the City is authorized to dispose of surplus property no longer needed via internet auction on four different websites named within the resolution.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Ordinance No. 10-2012 adopted.

Temporary Legislation #9933, A RESOLUTION REQUESTING THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03 TO CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.25 MILL RENEWAL LEVY, A 1.25 MILL REPLACEMENT LEVY, AND A 1.25 MILL REPLACEMENT LEVY WITH A .25 INCREASE TO EQUAL A 1.50 MILL LEVY FOR THE PURPOSE OF AN AMBULANCE AND EMS LEVY, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Mr. Meiners moved for passage of Temporary Legislation #9933. This is the first step in the process of putting the paramedic levy on the August 7th special election ballot.

Yes: James, Kos, Meiners, O'Donnell, Shondel, Bucci, Fenderbosch
No: None
Motion carried.

Ordinance No. 11-2012 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

A visually impaired resident of Avon Lake will hold a workshop for the visually impaired on February 5, 2012 at 8:00 A.M. at Independence Village.

PUBLIC INPUT

Chris Quinlan, 73 Community Drive, Avon Lake, sent his best wishes to former Mayor K.C. Zuber.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:10 P.M.

Approved: _____
Council President Pro Tem

Attest: _____
Clerk of Council