

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 25, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 25, 2010 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

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

Present: Council Members Dan Bucci, David Kos, Larry Meiners, Martin O'Donnell, Timothy Rush, Gregory Zilka, Mayor Zuber, Law Director William Kerner, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

There being no objections, Mrs. Fenderbosch was excused from attendance at the meeting.

APPROVAL OF MINUTES

The minutes of the December 21, 2009 Council Meeting, the January 4, 2010 Organizational Meeting, and the January 11, 2010 Council Meeting were approved as prepared and published.

PUBLIC HEARING

A Public Hearing upon amendments to Planning & Zoning Code Section 1217.05, entitled Sign Approval, was called to order at 7:32 P.M. by Council President Zilka.

At the December 1, 2009 meeting, Planning Commission recommended to Council amendments to Section 1217.05 of the Planning & Zoning Code relative to sign approval. Signs shall be reviewed by Planning Commission according to procedures in 1217.03(d) and (i) unless the following apply: are exempt pursuant to subsection (b); do not require a zoning permit pursuant to Schedule 1262.11; have been determined by the Planning Commission Secretary, the Zoning Administrator, and the Avon Lake Municipal Utilities Department to comply with all code requirements per Chapter 1262 Sign Regulations.

The amendment eliminates the need for sign approvals to be considered by Planning Commission when the sign is within the confines of the Code.

The Public Hearing was closed at 7:34 P.M.

CORRESPONDENCE

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A letter was received from Senator Sherrod Brown acknowledging receipt of the Avon Lake resolution regarding the Community Access Preservation Act.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

On January 12, 2010 Mayor Zuber met with the Building Industries Association of Lorain County.

Mayor Zuber and the Recreation Director met with representatives of the Baseball Federation regarding lease agreement for the concession stands in the parks.

The Safety Center Open House has been scheduled for September 18, 2010.

The Mayor, Mr. Kos, and Mr. Meiners met with residents of The Landings regarding their increased electric rates.

The Mayor and the Engineering Department Manager will attend the grant application meeting for Clean Ohio funds on January 29, 2010. The City applied for a grant to purchase parkland.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is scheduled for February 1, 2010. The next Regular Council Meeting is scheduled for February 8, 2010.

Council will hold a Strategic Planning Session on Saturday, January 30th beginning at 8:00 A.M. in the Council Conference Room.

Council committee reports are due for the Council Annual Report as required by the Charter.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. Bucci made the following announcements. The Lorain County Commissioners have scheduled the following meetings on January 28, 2010 at the Administration Building: discussion of Ohio House Bill 1 by Attorney Raymond Headon of Bricker &

Eckler beginning at 2:00 P.M.; and a Strategic Energy and Sustainability Planning Webinar beginning at 3:00 P.M.

FINANCE COMMITTEE REPORT

Mr. Zilka gave the following report. The Finance Committee met on January 19, 2010 and on January 25, 2010 to discuss the operating levy which will expire this year. Based on the figures supplied by the County Auditor, the Committee recommended a renewal levy rather than a replacement levy. A renewal levy would bring in \$1,003,847.00; a replacement levy would bring in \$1,311,858. The current rate for the renewal would be \$30.47 per \$100,000 home valuation versus \$45.94 for a replacement levy. The Finance Committee also discussed billing for ambulance service, trash fee billing and license fees as revenue enhancements, bank depositories, and the 2010 budget. The Finance Committee rejected the purchase of a vehicle for the Fire Chief.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci reported on the following items discussed at the January 14, 2010 Human Resources Committee meeting: employment of a mechanic and employment of Court personnel. The Human Resources Committee will meet regularly on the first Monday of the month at 6:30 P.M.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Kos reported on the electric rate increases for homes in The Landings which was discussed at the January 15, 2010 Public Utilities Committee Meeting.

SAFETY COMMITTEE REPORT

Mr. Rush reported on the following items discussed at the January 20, 2010 Safety Committee Meeting: employment of two part-time police dispatchers; obstructed views in the right-of-way creating safety issues; an update on the new fire truck; and potential new hires in the Fire Department.

SEWER COMMITTEE REPORT

Mr. Meiners reported that the Jaycox Road sewer project is the only sewer project scheduled for 2010.

PARKS & RECREATION COMMISSION REPORT

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

CABLE TELEVISION ADVISORY COMMISSION REPORT

Mr. Kos reported on the following items discussed at the January 21, 2010 Cable Television Advisory Commission Meeting: selection of a Committee Chair; and the Ultra Nexus and PEG Central website. Consumer Reports released their cable provider ratings; Wide Open West was ranked first, Verizon was ranked second, AT&T was ranked third, and Time Warner was ranked thirteenth.

MOTIONS

Mr. O'Donnell moved to authorize the City to advertise for bids for the 2010 Miller Road Park boat launch sand dredging project. Sand dredging is performed annually and must be completed by April 15th due to the fish spawning season.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to authorize the City's consent to the sublease of the Site Lease with Option currently held by T-Mobile Central LLC, the successor in interest to VoiceStream PCS II Corporation, to Clear Wireless LLC. This will be the final carrier added to the telecommunications tower at the Safety Center.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. O'Donnell moved to authorize the City to advertise for bids for furniture for the aquatic center project. Chairs and picnic tables will be purchased.

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Zilka moved to permit Mr. Rush to abstain from voting on the confirmation of a Planning Commission member due to a potential conflict of interest. Mr. Rush did not take part in the interview process since his brother was one of the candidates considered for the position

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

No: None

Absent: Fenderbosch

Motion carried.

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Mr. Zilka moved appoint Michael Sherban to Planning Commission for a term expiring December 31, 2014. Mr. Zilka reviewed Mr. Sherban's resume.

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

No: None

Absent: Fenderbosch

Abstention: Rush

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #9637, 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 #9637. 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.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 7-2010 adopted.

Temporary Legislation #9638, 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 #9638. 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.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 8-2010 adopted.

Second Readings:

Temporary Legislation #9632R, AN ORDINANCE AMENDING CHAPTER 1217.05 OF THE PLANNING & ZONING CODE, ENTITLED SIGN APPROVAL, was read by title only. This item was discussed during the Public Hearing.

First Readings:

Temporary Legislation #9645, AN ORDINANCE CONFIRMING THE EMPLOYMENT OF A MECHANIC IN THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9645. The appointment will fill a vacancy in the Service Department created by a retirement. The Civil Service Commission and the Human Resources Committee recommended Lawrence Abfall for the mechanic's position.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 10-2010 adopted.

Temporary Legislation #9646, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PART-TIME DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9646. The Police Chief recommended Linda Erent for the position of part-time Dispatcher/Records Clerk at a wage rate of \$16.83/hr, effective January 26, 2010.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 11-2010 adopted.

Temporary Legislation #9647, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF A PART-TIME DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Rush moved for passage of Temporary Legislation #9647. The Police Chief recommended Michael Cipro for the position of part-time Dispatcher/Records Clerk at a wage rate of \$16.83/hr, effective January 26, 2010.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 12-2010 adopted.

Temporary Legislation #9648, AN ORDINANCE APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9648. Judge Bilancini appointed Teresa Blankenship to the position of full-time Deputy Clerk in the Municipal Court retroactive to January 1, 2010. Under Ohio Revised Code, the Judge has the authority to make appointments and set salaries to operate his Court efficiently. Council is merely confirming the Judge's appointment. Ms. Blankenship and the following appointee have been working as part-time Deputy Clerks and will now be employed as full-time Deputy Clerks. One full-time Deputy Clerk has left the employment of the Court; the part-time positions held by Ms. Blankenship and Ms. Robertson will not be filled.

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

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No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 13-2010.

Temporary Legislation #9649, AN ORDINANCE APPROVING THE APPOINTMENT OF A DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Bucci moved for passage of Temporary Legislation #9649. This confirms the Judge's appointment of Diane Robertson as a full-time Deputy Clerk in the Municipal Court.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 14-2010 adopted.

Temporary Legislation #9650, AN ORDINANCE APPROVING THE FINAL PLAT FOR COMMERCE PARKWAY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9650. This item was approved by Planning Commission. This project is located on the north side of Pin Oak Parkway and consists of eight acres of light industrial land to be subdivided into five sublots.

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

No: None

Absent: Fenderbosch

Motion carried.

Ordinance No. 15-2010 adopted.

Temporary Legislation #9651, AN ORDINANCE AMENDING THE PLANNING & ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE BY ADOPTING THE HISTORIC PRESERVATION REGULATIONS, was read by title only.

Planning Commission approved this item. Since this legislation will amend the Planning & Zoning Code, a Public Hearing is required which will be held at the second reading of the legislation on March 8, 2010 to allow for the required 30 day notice.

Temporary Legislation #9652, AN ORDINANCE PROVIDING FOR THE DESIGNATION OF FIRSTMERIT BANK, LORAIN NATIONAL BANK, US BANK, FIFTH THIRD BANK, KEY BANK, HUNTINGTON NATIONAL BANK, CHARTER ONE BANK, AND FIRST FEDERAL OF LAKEWOOD AS PUBLIC DEPOSITORIES OF THE CITY AND AWARDING THE DEPOSIT OF ACTIVE FUNDS FOR THE PERIOD COMMENCING JANUARY 16, 2010 AND ENDING JANUARY 15, 2015, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Zilka moved to permit Mr. Bucci to abstain from voting on Temporary Legislation #9652 due to a potential conflict of interest. Mr. Bucci has represented at least two of the entities at the law firm which employs him.

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

No: None

Absent: Fenderbosch

Motion carried.

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

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

No: None

Absent: Fenderbosch

Abstention: Bucci

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9652. Finance Director DiLellio presented the Finance Committee with ratings for the above financial institutions.

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

No: None

Absent: Fenderbosch

Abstention: Bucci

Motion carried.

Ordinance No. 16-2010 adopted.

Temporary Legislation #9653, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220.05, ENTITLED STANDING COMMITTEES, was read by title only.

Mr. Bucci recommended the formation of a Standing Committee of Council to address economic development. The main tasks of the Economic Development Committee will be to maintain current businesses and to help attract new corporate partners in Avon Lake.

Temporary Legislation #9654, AN ORDINANCE SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF AVON LAKE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 (a), AND DECLARING AN EMERGENCY, was read by title only.

The Finance Committee recommended a renewal of the operating levy rather than a replacement levy based on the report from the County Auditor as discussed in the Finance Committee report.

Temporary Legislation #9655, AN ORDINANCE AMENDING RESOLUTION 122-2009 TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE YEAR ENDING DECEMBER 31, 2010, AND DECLARING AN EMERGENCY, was read by title only.

Budget discussions and adjustments will continue before the final budget is passed by March 31st. The Avon Lake Charter requires the Finance Director to present a budget to Council by the second Council meeting in January.

Mr. O'Donnell moved for adjournment.

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

No: None

Absent: Fenderbosch

Motion carried.

Adjournment: 8:38 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council