

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD JANUARY 9, 2012**

The Regular Meeting of the Avon Lake Municipal Council was called to order on January 9, 2012 at 7:30 P.M. in the Council Chamber with Council President Pro Tem O'Donnell presiding.

Mr. Kos 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.

APPROVAL OF MINUTES

The minutes of the December 12, 2011 and the December 19, 2011 Council Meetings were approved as prepared and published.

PUBLIC HEARING

A Public Hearing upon an amendment to the Planning & Zoning Code by the adoption of the Renewable Energy Systems Regulations was called to order at 7:31 P.M.

The Renewable Energy Task Force was charged with the exploration of solar and wind energy. After looking at the region and the State of Ohio, the Task Force developed a renewable energy ordinance that would address wind and solar energy. The proposal was reviewed by environmental attorneys and the Avon Lake Law Director and Assistant Law Director. Planning Commission recommended the proposal to Council for adoption. The purpose of the renewable energy ordinance is to regulate the construction, modification, and operation of renewable energy systems in the City including Avon Lake's jurisdictional limit 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 on-site consumption of utility supplies electricity. The ordinance addresses definition, applicability, use regulations, contents of application, design and performance standards, insurance, maintenance, decommissioning of wind energy systems, and remedies.

The Public Hearing was closed at 7:40 P.M.

APPOINTMENT OF A POLICE SERGEANT

Temporary Legislation #9923, AN ORDINANCE CONFIRMING THE APPOINTMENT OF REED REIKOWSKI AS SERGEANT IN THE AVON LAKE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Kos moved for passage of Temporary Legislation #9923. Mr. Kos reviewed Mr. Reikowski's qualifications and achievements.

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

Ordinance No. 3-2012 adopted.

Law Director Lieberman administered the Oath of Office to Mr. Reikowski.

ADJOURNMENT TO THE COLLECTIVE COMMITTEE MEETING

Mr. Meiners moved to adjourn to the Collective Committee Meeting.

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

RECONVENING OF OPEN COUNCIL MEETING

The Council Meeting was reconvened at 7:51 P.M.

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.

MAYOR'S REPORT

Mayor Zilka made the following announcements.

Mayor Zilka met with Joe Archacki, Chair of the Economic Development Advisory Board, to discuss economic issues.

Mayor Zilka met with Council President Pro Tem O'Donnell and Mr. Bucci to discuss economic development strategies.

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A budget meeting was held on January 7, 2011 to develop the 2012 budget.

Dial-a-Bus usage in 2011 was down by 5%. The number of passengers in 2010 was 3,181, compared to 2,719 in 2011.

Rick Eberle, Chief of Utility Operations, indicated that the Cleveland Construction Cost Index rose by 1.02%. This will result in an increase in the trunk sanitary sewer fee and the central Avon Lake drainage project fee by the same percentage.

Tom Carleton, Chief Building Official, reported that the number of housing starts is down for the sixth consecutive year. Total housing starts for 2011 were 47 compared to 59 the previous year. In 2005 the number of housing starts was 232.

Vacancies exist on the Zoning Board of Appeals and the Tree Commission. Interested candidates should submit a letter of interest and resume.

COUNCIL PRESIDENT'S REPORT

January 16th is Martin Luther King Day and no meeting is scheduled. If needed, there will be a rescheduled Collective Committee Meeting on January 23rd with a Regular Council meeting immediately following. 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 first budget meeting was held on January 7th.

Fifteen resumes were received for the Council at Large vacancy. Council will interview all fifteen candidates on Saturday, January 14th beginning at 8:00 A.M. in the Council Conference Room. The top candidates will be called back for second interviews on January 21st. The new Council member will be appointed on January 23rd. The interviews will be held in an open meeting.

There is a correction to the Council agenda. Temporary Legislation #9924 will be considered as an emergency measure.

ENGINEERING DEPARTMENT REPORT

The Engineering Department weekly update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mr. James made the following announcement. The Environmental Issues Series will continue on January 11, 2012 at the Avon Lake Public Library; the speaker will discuss the financial and environmental impact of multi-use trails within the community.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced that the Human Resources Committee will meet the first Monday of the month at 6:15 P.M. beginning in February.

SEWER COMMITTEE REPORT

Mrs. Fenderbosch announced that the Sewer Committee will meet on the second Thursday of the month at 6:30 P.M. beginning in February. A meeting will be held on January 13, 2011 at 4:30 P.M.; topics include stormwater ordinance updates, the Moorewood/Crestwood sewer separation design; and options for the Stormwater Master Plan updates.

ECONOMIC DEVELOPMENT COMMITTEE

Mr. Bucci referred to the Job Growth Incentive Program the Committee developed. Due to issues that were raised regarding the legality of the program, Council sought an outside legal opinion. According to the legal opinion, the City of Avon Lake does have the authority to operate and conduct such a program.

AVON LAKE COMMUNITY COUNCIL REPORT

The Avon Lake Community Council is scheduled to meet January 11, 2012 at 7:00 P.M. at the Lake House.

MOTIONS

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a new liquor license for Tucky's Restaurant indicating the City does not request a hearing. Tucky's requested a D1 license for beer only on premise consumption and in sealed containers for carryout until 1:00 A.M.

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

No: None

Motion carried.

Mr. Meiners moved to authorize Mayor Zilka, Finance Director Bryan, and Council President Pro Tem O'Donnell to sign agreements with FirstMerit Bank N.A. in order to provide treasury management products and services.

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

No: None

Motion carried.

Mr. James moved to appoint Robert Haas to the Environmental Affairs Advisory Board for a term expiring February 28, 2012.

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

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No: None
Motion carried.

Mr. Kos moved to confirm the reappointment by the Mayor of Kathy Rohn to the Cable Advisory Commission for a term expiring December 31, 2014.

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

LEGISLATION

Second 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.

This was discussed at the Public Hearing earlier in the meeting.

First Readings:

Temporary Legislation #9924, 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 RENEWABLE LEVY, A 1.25 MILL REPLACEMENT LEVY, AND A 1.50 MILL REPLACEMENT LEVY FOR THE PURPOSE OF PARAMEDIC EXPENSES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Meiners moved for passage of Temporary Legislation #9924. The paramedic levy expires at the end of 2012. Once the information is received from the Auditor, the Finance Committee will make a recommendation to Council regarding the type of levy to be placed on the ballot in order to maintain the current level of paramedic service.

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

Ordinance No. 4-2012 adopted.

Temporary Legislation #9925, A RESOLUTION OF GRATITUDE AND APPRECIATION FOR GREGORY ZILKA, was read in its entirety.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9925.

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

No: None

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Meiners congratulated the Avon Lake High School class on their Junior Achievement t-shirt sales project.

PUBLIC INPUT

Paul Hartman, Belmar Boulevard, asked if a celebration is planned for the 200th birthday of Avon Lake. Mr. O'Donnell explained that there is some conflicting information regarding the actual founding date of Avon Lake. The Public Service Committee will review all information and make a recommendation.

Chris Quinlan, 73 Community Drive, Avon Lake, asked when the entrance signs to Avon Lake will display the name of the new Mayor. Mayor Zilka stated that the Service Department is working to replace the signs.

ADJOURNMENT

Mr. Meiners moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:31 P.M.

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Approved: _____
Council President Pro Tem

Attest: _____
Clerk of Council