

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
HELD MARCH 22, 2010**

The Regular Meeting of the Avon Lake Municipal Council was called to order on March 22, 2010 at 7:30 P.M. in the Council Chamber with Council President Zilka presiding.

Mr. Zilka 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, Finance Director Tom DiLellio, Law Director William Kerner, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the March 8, 2010 Regular Council Meeting were approved as amended.

CERTIFICATE PRESENTATION

Grant Thompson, Lorain County Metro Parks Park Manager, presented the Kopf Family Reservation with the Superior Award for 2009 Park Area Development in Category 1, which includes park projects under \$500,000.

CORRESPONDENCE

Mrs. Fenderbosch received several letters regarding the electric rate increases for all-electric homes.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

The administration is meeting with Paul Klein from Great Lakes Publishing regarding the next edition of the *Avon Lake Magazine*, which should be available in October of 2010.

The Recreation Department hosted "Tea with the Mayor" on March 11, 2010.

The "Reflections Creative Art Fair" was held at the Avon Lake schools.

The Mayor delivered the "State of the City" address at the March 18th meeting of the Kiwanis Club.

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The Mayor met with Wide Open West (WOW) Cable on March 15th regarding possible cable service in Avon Lake.

On March 25, 2010 the Mayors Lunch is scheduled to be held at Tom's Country Place sponsored by the North Coast Regional Chamber of Commerce.

The Mayor will notify First Energy that several street lights are out on Glenview Drive.

COUNCIL PRESIDENT'S REPORT

Mr. Zilka made the following announcements.

March 29th is the fifth Monday of the month and no Council Meeting is scheduled. April 5th is Easter Monday and no Collective Committee Meeting is scheduled. The next regular Council Meeting is scheduled for April 12, 2010. If needed, a Collective Committee Meeting will be scheduled for that date.

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

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

Jaycox Road at Electric Boulevard will be closed beginning March 23, 2010 for the sewer project.

The City does not provide spring leaf pick-up. Residents should bag leaves and leave them for trash pick-up.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL/PUBLIC UTILITIES COMMITTEE REPORT

A joint meeting between the Environmental Committee and the Public Utilities Committee was held on March 16, 2010. The following topics were discussed: a grant program from First Energy through NOPEC which could award \$201,000 to Avon Lake for energy projects; the Special Improvement District Program (SID) for renewable energy; the Columbia Gas Energy Audit available to Columbia Gas customers; and conversion from electric energy to gas energy.

The following website is available for owners of all-electric homes who wish to obtain information: www.allelectrichomes.info.

FINANCE COMMITTEE REPORT

Mr. Zilka reported on the following items discussed at the March 15, 2010 Finance Committee Meeting: debt refinancing; a revision to the CRS guidelines to allow more flexibility in the distribution of funds from the City's donation; and purchasing and public bidding policies.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced that the scheduled April 5th meeting of the Human Resources Committee will be re-scheduled.

PUBLIC SERVICE COMMITTEE REPORT

Mr. O'Donnell reported on the following items discussed at the March 22, 2010 Public Service Committee meeting: residency rules, permeable pavers, and security cameras for the Aquatic Center; the Waterside Crossing North walking path; vacation of an alley west of Miller Road requested by the Animal Clinic; the 2010 Ohio Public Works Grant; and the Ohio Stormwater Basin Training Grant.

SAFETY COMMITTEE REPORT

The Safety Committee meeting scheduled for March 24th was cancelled.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals is scheduled to meet March 23, 2010 at 7:00 P.M.

PARKS & RECREATION COMMISSION REPORT

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

The Parks & Recreation Commission is scheduled to meet on March 24, 2010 at 7:00 P.M.

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.

The next meeting of the Cable Television Advisory Commission is scheduled for April 15, 2010.

MOTIONS

Mr. O'Donnell moved to approve the Avon Lake Green Team Certification Policy. The certification policy was developed in an effort to increase communication between the City and landscapers and to educate the public regarding proper lawn treatment to protect the environment.

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

No: None

Motion carried.

Mr. Rush 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 stating that the City does not request a hearing. Party Cuisines Inc., located at 726 Avon Belden Road, requested a new liquor license. The Police Chief indicated there are no grounds for objection.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept the Emerald Ash Borer Management Plan. The management plan was developed as part of a grant application for funds to control emerald ash borer infestation in Avon Lake. As part of the grant requirements, 25% of the trees removed will have to be replaced.

Law Director Kerner stated that the motion language should be amended to "approve the Emerald Ash Borer Management Plan", rather than "accept" the Plan. This is considered as a friendly amendment.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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.

Mr. Kos moved for passage of Temporary Legislation #9651. This Ordinance will create an avenue for property owners to ensure the preservation of historic properties or features of homes or businesses. Avon Lake will be recognized as a Certified Local Government, which will grant the Historic Preservation Commission the authority to designate historic landmarks in Avon Lake with the backing of the Ohio Historical Society and the National Parks Service. The required Public Hearing was held.

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

No: None

Motion carried.

Ordinance No. 36-2010 adopted.

Temporary Legislation #9659, A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY ABK LIMITED, THE SUCCESSOR IN INTEREST TO ALAN A. AND BARBARA A. KLINGSHIRN, TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9659. This is a renewal application for placement of farmland in an agricultural district. Applications are required to be renewed every five years. The application has been reviewed by the Law Director. The required Public Hearing was held.

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

No: None

Motion carried.

Ordinance No. 37-2010 adopted.

Temporary Legislation #9660, A RESOLUTION TO APPROVE WITH MODIFICATIONS THE APPLICATION MADE BY LNK LIMITED, AKA LEE AND NANCY KLINGSHIRN, TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9660. This is a new application for placement of farmland in an agricultural district. This parcel was previously designated as being located in an agricultural district under the former owner. The application has been reviewed by the Law Director. The required Public Hearing was held.

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

No: None

Motion carried.

Ordinance No. 38-2010 adopted.

Temporary Legislation #9661, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1438.01, ENTITLED CONTRACTOR DEFINED, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9661. The Engineering Department Manager recommended removal of language from Chapter 1438.01 and moving it to a newly created chapter relative to the landscaper registration program.

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

No: None

Motion carried.

Ordinance No. 39-2010 adopted.

Temporary Legislation #9662, AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE WITH THE ADDITION OF CHAPTER 1065, ENTITLED LICENSING OF LANDSCAPE CONTRACTORS, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9662. The Engineering Department Manager recommended a landscaper registration program as part of a coordinated effort to improve the quality of storm water entering the waterways. The program will identify contractors working in Avon Lake so the Engineering Department can monitor their work to ensure they are in compliance with EPA standards and City regulations. The landscaper registration requirement will create a new section in the Codified Ordinances. The General Fee Schedule will have to be amended to list registration fees and penalties associated with the program. Mr. Rush pointed out that these measures are necessary due to unfunded EPA mandates.

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

No: None

Motion carried.

Ordinance No. 40-2010 adopted.

Temporary Legislation #9663, AN ORDINANCE AMENDING CHAPTER 208 OF THE CODIFIED ORDINANCE, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

Mr. O'Donnell moved for passage of Temporary Legislation #9663. Due to the addition of the new Codified Ordinance Chapter regarding landscaper registration, amendments to the fee schedule are necessary to reflect certain registration and penalty fees. Other amendments are necessary to eliminate fees that are no longer relevant.

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

No: None

Motion carried.

Ordinance No. 41-2010 adopted.

Temporary Legislation #9664, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR EMERGENCY MEDICAL BILLING SERVICES, AND DECLARING AN EMERGENCY, was read by title only.

Mr. Rush moved for passage of Temporary Legislation #9664. Ambulance billing was proposed by the Mayor as a revenue generating source and has been approved by the Safety Committee. This ordinance will allow the City to establish an insurance only billing system to recover the usual and customary charges paid by insurance companies for ambulance services. Residents who do not have medical insurance coverage for ambulance service will not be charged. If an insured resident has not met his deductible, he will not be billed for ambulance service. The Safety Committee recommended MediCount Management Inc. as a reliable, efficient medical billing service provider.

Law Director Kerner pointed out that this Ordinance authorizes the Mayor to enter into an agreement with MediCount. The protocols and procedures will be developed and referred to Council at a later date.

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

No: None

Motion carried.

Ordinance No. 42-2010 adopted.

Second Reading:

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

The Board of Municipal Utilities requested that Council 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.

First Readings:

Temporary Legislation #9678, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY EATON TOWNSHIP BOARD OF TRUSTEES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9678. The Eaton Township Board of Trustees filed a lawsuit against the City in an effort to stop the LORCO project which will construct a wastewater treatment facility. The Law Director requested funds not to exceed \$3000 to defend the City.

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

No: None

Motion carried.

Ordinance 43-2010 adopted.

Temporary Legislation #9679, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY U.S. BANK NATIONAL ASSOCIATION ET AL., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zilka moved for passage of Temporary Legislation #9679. U.S. Bank National Association filed a foreclosure action against an Avon Lake property. The City was named in the action based on a judgment lien the City filed against the property for moneys owed to the Municipal Utilities Department for work done in connection with an easement. The Law Director requested funds not to exceed \$1000 to defend the City.

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

No: None

Motion carried.

Ordinance No. 44-2010 adopted.

The Fiscal Officers Certificate relative to Temporary Legislation #9680 was presented to Council by the Clerk of Council.

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.

Currently the City is paying off the debt for the Central Avon Lake Draining 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 could save the City approximately \$10,000 per year for 10 years. The current debt will be retired in 2020; the refinancing will not alter that date.

PUBLIC INPUT

John Early, 117 Highland Avenue, Avon Lake, expressed his gratitude to Council for approving the Historic Preservation Regulations.

Mr. O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:51 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council