

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

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

Mr. O'Donnell 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, Finance Director Tom DiLellio, Engineering Department Manager Joseph Reitz, Clerk of Council Barbara Dopp.

APPROVAL OF MINUTES

The minutes of the February 8, 2010 Regular Council Meeting were approved as prepared and published.

CORRESPONDENCE

Mrs. Fenderbosch, Mr. Meiners, Mr. Kos, and Mayor Zuber received correspondence from numerous residents regarding the electric rate increases for all-electric homes.

MAYOR'S REPORT

Mayor Zuber made the following announcements.

Beginning March 19, 2010, on Mondays and Fridays from 1:00 P.M. until 6:00 P.M., representatives from the Census Bureau will be available at the Safety Center to help residents with census forms. A drop box for completed census forms will be available at the Safety Center.

On February 17th, the Mayor, Mrs. Fenderbosch, Mr. Kos, and Mr. Meiners testified at a Public Hearing in Columbus regarding the electric rate increases for all-electric homes. They were informed at the hearing that PUCO had no knowledge of the rate increases.

Mr. Rush forwarded correspondence to the Mayor regarding the Preuer Report. The Fire Chief, the Mayor, and the Finance Director have been working on a proposal to implement the recommendations of the Preuer Report, which should be ready for the March Safety Committee meeting. Mr. Rush referred to correspondence from Mrs. Fenderbosch regarding a possible performance audit of the Fire Department by the

State Auditor's Office; this item will be on the March Safety Committee meeting agenda.

COUNCIL PRESIDENT'S REPORT

Mr. Zilka made the following announcements.

The next Collective Committee meeting is scheduled for March 1, 2010. The next Regular Council meeting is scheduled for March 8, 2010. A Budget Meeting is scheduled for Saturday, February 27, 2010 at 8:15 A.M. in the Engineering Conference Room.

Council held a Strategic Planning Session on January 30, 2010. Following are the top ten priorities for the 2010 – 2011 term of Council:

1. Economic Development
2. Fire Department Issues
3. Street Improvements
4. Aquatic Center Operations and Maintenance
5. Infrastructure
6. HR/Personnel Issues and Alternative Energy (Tied)
7. Lear Nagle Interchange
8. City Operations
9. Communications between Council and the Mayor
10. Continuing Education for Department Heads

The Ohio Department of Transportation will hold a round table discussion, entitled "Igniting Ohio's Economic Engine", on March 16, 2010 at 9:30 A.M. at the Spitzer Conference Center in Elyria.

ENGINEERING DEPARTMENT REPORT

The Engineering Department Update was distributed.

The Lake Road/Jaycox Road intersection will be closed beginning February 23, 2010 for the sewer separation project.

Mrs. Fenderbosch will give a weekly update regarding the progress of the Jaycox Road sewer project on Channel 12.

LAW DIRECTOR'S REPORT

The Law Department Update was distributed.

ENVIRONMENTAL COMMITTEE REPORT

Mrs. Fenderbosch made the following announcements. The Environmental Issues Series will continue at the Avon Lake Public Library on March 10, 2010 with a presentation by the Earth Day Coalition, entitled "Your Air, Your Health, and Your Wallet".

FINANCE COMMITTEE REPORT

Mr. Zilka reported on the following Finance Committee meetings. At the February 16th meeting, the Finance Committee discussed bond refinancing, formation of a new LORCO account, and the 2010 budget. At the February 17th meeting, the Finance Committee held a joint meeting with the Safety Committee to discuss EMS billing. At the February 22nd meeting, the Finance Committee discussed the 2010 budget.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Bucci announced a Human Resources Committee meeting is scheduled for March 1st at 6:00 P.M.

PUBLIC UTILITIES COMMITTEE REPORT

Mr. Kos reported on the Consumer Affairs and Economic Protection Committee hearing in Columbus regarding the high rate increases for all-electric homes. Mr. Kos, Mrs. Fenderbosch, Mr. Meiners, and Mayor Zuber testified before the Committee, which is chaired by Representative Matt Lundy. A Town Hall meeting regarding the electric rate increases is scheduled for February 25, 2010 at 7:00 P.M. at the Ridgefield Recreation Center located at 8700 Gateway Drive, North Ridgeville. Representative Matt Lundy will be in attendance. Representatives from PUCO, First Energy, and the Ohio Consumers Council have been invited.

SAFETY COMMITTEE REPORT

Mr. Rush reported on the following items discussed at the Safety Committee meeting held February 17, 2010: EMS billing; Fire Department staffing; and recommendations of the Preuer Report.

AVON LAKE COMMUNITY COUNCIL REPORT

Mr. O'Donnell reported the Avon Lake Community Council is promoting a Citizen of the Year Award and a Project of the Year Award. Nomination forms are available at City Hall. The recipients will be honored at the Kiwanis Club dinner on May 13, 2010.

CABLE TELEVISION ADVISORY COMMISSION REPORT

Mr. Kos reported on the following items discussed at the February 18, 2010 Cable Television Advisory Commission meeting: the PEG channels; cable studio equipment; the interview series with State Representative Matt Lundy; and a challenge to an FCC regulation that would change fees for cable providers. The next meeting of the Cable Television Advisory Commission is scheduled for March 18, 2010 at 7:15 P.M. at the Avon Lake Public Library.

MOTION

Mr. O'Donnell moved to permit Mr. Zilka from voting on the motion to waive building fees for the Avon Lake City Schools. A conflict of interest could be perceived since Mr. Zilka is a substitute teacher with the Avon Lake City Schools.

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

No: None

Motion carried.

Mr. O'Donnell moved to authorize the waiving of building permit fees in the amount of \$2,285.00 for the Avon Lake City Schools. School Superintendent Bob Scott requested reimbursement of building permit fees for a school building project. Council will consider the development of a policy for all future requests for the waiving of building permit and Planning Commission fees. The schools are currently involved in major building projects as a result of bond issues passed by the voters. Mr. O'Donnell pointed out that the schools and City government work together in various areas, such as tax abatement, the Code Red system, and the sharing of facilities.

Mrs. Fenderbosch stated that she agrees the schools and the City need to work together, but due to the financial situation of the City, she will not support the motion.

Yes: Rush, Zilka, Bucci, Kos, Meiners

No: Fenderbosch

Abstention: Zilka

Motion carried.

Mr. O'Donnell moved to approve a three-year concrete sidewalk task order contract with Concrete & More. Concrete & More submitted the best quotation and has performed satisfactorily on past projects in the City.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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

Mr. Bucci moved for passage of Temporary Legislation #9653R. 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 retain current businesses and to help attract new business to Avon Lake.

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

No: None

Motion carried.

Ordinance No. 21-2010 adopted.

Second Readings:

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.

Discussion on the 2010 budget is ongoing and adjustments will be made before the final passage on March 8th. The City will realize a deficit of approximately \$1 million for 2010. The Mayor stated that \$10 million of the \$14 million general fund cover the expenses of the Police, Fire, and Service Departments. These departments provide the main services to the residents.

Temporary Legislation #9658, AN ORDINANCE APPROVING CHANGE ORDER #4 TO THE SITE CONTRACT FOR THE AQUATIC CENTER PROJECT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #9658. A change order in the amount of \$12,000 will cover an add alternate to the contract for a higher baseball diamond backstop to prevent balls from being hit into the pool area.

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

No: None

Motion carried.

Ordinance No. 22-2010 adopted.

First Readings:

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.

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.

Temporary Legislation #9659, 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.

This is a new application for placement of farmland in an agricultural district. Applications are required to be renewed every five years. 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.

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

The Engineering Department Manager recommended the removal of language from Chapter 1438.01 and moving it to a newly created chapter.

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.

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 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

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program. Mr. Rush pointed out that these measures are necessary due to unfunded EPA mandates.

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

Due to the addition of the new Codified Ordinance Chapter, 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.

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

Ambulance billing was proposed by the Mayor as a revenue generating source and has been approved by the Safety Committee. By this Ordinance, residents' insurance companies will be billed for ambulance service. Mr. Zilka stated that Medicount, the medical billing service provider, advised him that insurance rates will not be increased by this billing practice. The responsibility to bill is governed by State law and there is a requirement that the billing process follow a certain procedure. The coverage would be one-half of one percent of the total insurance premium. Insurance rates are not calculated by City, but by region, and many communities within the region are already using the ambulance billing service.

PUBLIC INPUT

Jan Van Wagner, 118 Herrmann Drive, Avon Lake, commended the City on the Dial-A-Bus service.

Jeff Strauch, 183 Parsons Drive, Avon Lake, commented on the rate increases for all-electric homes.

Chris Quinlan, 73 Community Drive, Avon Lake, informed Council that the Avon Lake entrance sign on Miller Road is down.

In compliance with Ohio Revised Code Section 121.22, Mr. O'Donnell moved to adjourn to Executive Session to discuss compensation of public employees and the purchase or sale of land.

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

No: None

Motion carried.

Adjournment: 8:45 P.M.

RECONVENING OF OPEN COUNCIL MEETING

Council reconvened in open session at 9:50 P.M.

Present: Mr. Bucci, Mrs. Fenderbosch, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Rush, Mr. Zilka, Law Director Kerner.

Mr. O'Donnell moved to adjourn.

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

No: None

Motion carried.

Adjournment: 9:51 P.M.

Approved: _____
Council President

Attest: _____
Clerk of Council