

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JANUARY 27, 2020**

The regular meeting of the Avon Lake Municipal Council was called to order on January 27, 2020 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch led the Council, staff, and public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Gary Izo, Rob James, David Kos, Marty O'Donnell, K. C. Zuber; Mayor Zilka; Assistant Law Director David Graves; Finance Director Steve Presley; Public Works Director Joe Reitz; and Clerk of Council Valerie Rosmarin.

**APPROVAL OF MINUTES**

The minutes of the December 16, 2019 Meeting and December 30, 2019 Special Council Meeting were approved as prepared and published.

**LEGISLATION**

Temporary Legislation #11342, A RESOLUTION IN SUPPORT OF MIGHTY GOLIATH PRODUCTIONS (MGP), was read in its entirety by Mayor Zilka.

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

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11342. This legislation is in support of Mighty Goliath Productions' 2020 musical production, Joseph and the Amazing Technicolor Dreamcoat. For the past 60 years, MGP, as a 501(c)(3) non-profit organization comprised of volunteer artists, technicians, and administrators, has provided the community with quality musical theater productions and has donated \$275,000 to Avon Lake City Schools performing arts programs.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

**Ordinance No. 6-2020 adopted.**

## **MAYOR'S REPORT**

The renewal of a 1.5 mill tax levy is on the March 17<sup>th</sup> ballot as Issue 2. If passed by the residents, this 1.5 mill will raise \$1,028,572 for the general operations of the City. This levy has been in effect since 2000 and it is not an increase.

## **COUNCIL PRESIDENT'S REPORT**

The next scheduled Collective Committee Meeting is Monday, February 3<sup>rd</sup> at 7:30 p.m. in Council Chamber.

The next Council Meeting is Monday, February 10<sup>th</sup> at 7:30 p.m. in Council Chamber.

Avon Lake Community Council is collecting nominations for Citizen of the Year and Project of the Year for 2019. Forms are available on the City's website, at City Hall, the Old Firehouse Community Center, and the Avon Lake Public Library. The deadline is March 15<sup>th</sup> at 4:30 p.m. The award ceremony will be held in May at Avon Lake Public Library.

## **PUBLIC WORKS DIRECTOR'S REPORT**

The Public Works Director's weekly update was distributed prior to the Council Meeting.

## **NATURAL RESOURCES, ENVIRONMENTAL & PUBLIC MEDIA COMMITTEE REPORT**

Mr. Izo reported that for 2019 there were 12 deer/motor vehicle accidents and the Public Works Department picked up 19 deer carcasses.

The next meeting of the Environmental Affairs Advisory Board will be held Wednesday, February 5<sup>th</sup> at 6:30 p.m. at the Lake House.

## **HUMAN RESOURCES COMMITTEE REPORT**

The next meeting of the Human Resources Committee will be held Monday, February 3<sup>rd</sup> at 6:30 p.m. in the Public Works Conference Room.

## **PUBLIC SERVICE COMMITTEE REPORT**

Mr. James reported on the Public Service Committee meeting held earlier. The following items were discussed: authority to bid for a variety of projects; purchase of a truck for the Public Works Department; 2020 Asphalt and Concrete Street Program; potential vacation of Division Road; park designation along Lake Erie; consulting services for the City's closed landfill; an agreement with 228 Beck Road to repair the driveway and apron; issues pertaining to a petition by property owners on Lakeland Drive; preliminary plan for ALPS at Bleser Park; Klingshirm Winery agricultural district

designation; modifications to the proposed Tree Lawn ordinance; and an issue by Ms. Kathryn Eyring regarding subcontractors with the City.

### **SAFETY COMMITTEE REPORT**

Mr. Kos reported on the successful Town Hall forum conducted on Wednesday, January 22<sup>nd</sup> with Chief Streater, Sgt. Cantleberry, and Sgt. Reikowski on neighborhood safety. Those in attendance were provided techniques to protect their property, homes, and ways to improve safety in their neighborhood.

The Town Hall forum was filmed and is available for viewing at the City's website, Facebook, and ALCTV.

### **SEWER COMMITTEE REPORT**

The next meeting of the Sewer Committee will be held Thursday, February 13<sup>th</sup> at 6:30 p.m. in the Public Works Conference Room.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

The next meeting of the Economic Development Committee will be held Monday, February 10<sup>th</sup> at 6:30 p.m. in the Public Works Conference Room.

### **PLANNING COMMISSION REPORT**

The next meeting of Planning Commission will be held Tuesday, February 4<sup>th</sup> at 7:30 p.m. in the Council Chamber.

### **ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on January 26<sup>th</sup>. The following cases were approved: (1) a request to construct a garage addition to the rear of the house that will create a rear yard setback at 176 Parkwood Avenue; and (2) a request to construct a 4' high 3-rail split fence in the secondary front yard at 345 Avon Belden Road.

The next meeting of the Zoning Board of Appeals is Wednesday, February 26<sup>th</sup> at 7:00 p.m. in the Council Chamber.

### **PARKS & RECREATION COMMISSION REPORT**

Mr. James reported on the Parks & Recreation Commission meeting on January 22<sup>nd</sup> and noted there was discussion and a presentation for usage of Ilg Park by a resident. The Parks & Recreation Commission forwarded that proposal to the Public Service Committee for review and consideration.

## **AUDIENCE PARTICIPATION**

Therese Radca, 166 Forest Hill Drive, Avon Lake addressed Council as a Board member of the Mighty Goliath Productions.

## **MOTIONS**

Mr. Izo moved to appoint Ron Warner and Terry Robison to the Environmental Affairs Advisory Board for terms expiring December 31, 2021.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mrs. Fenderbosch moved to appoint Christine Raymond to Planning Commission for a term expiring December 31, 2022.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. Zuber moved to confirm the Mayor's appointment of Richard Tayek to the Civil Service Commission for a term expiring December 31, 2021.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. James moved to confirm the Mayor's appointment of Loretta Vass to the Citizen Tree Commission for a term expiring December 31, 2021.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. Kos made a motion to authorize the Mayor to execute a contract with Gatchell Grant Resources, LLC. The City is applying for a grant to fund a new communication system for the Fire Department. The cost to apply for this grant is \$695; if the City is awarded a grant, the fees associated with obtaining the grant will not exceed \$3,000.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. Kos made a motion to authorize the Mayor to execute Memorandums of Understanding between the City of Avon, City of North Ridgeville, City of Sheffield Lake,

and City of Sheffield Village for the Lorain County AFG Regional Communications Grant Application. These municipalities will participate in the grant application for a new communication system and are required to sign Memorandums of Understanding.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

## **LEGISLATION**

### Second Readings:

Temporary Legislation #11331, AN ORDINANCE REPEALING SECTIONS 670.43, 672.01, 672.02, 672.025, 672.03, 672.04, 672.05, 672.06, 672.07, 672.085, 672.095, 672.15, 672.16 and 672.17 OF THE CODIFIED ORDINANCES AND AMENDING SECTIONS 467.03, 606.10, 612.06 and 612.09 OF THE CODIFIED ORDINANCES RELATING TO THE OWNERSHIP, POSSESSION, PURCHASE, OTHER ACQUISITION, TRANSPORT, STORAGE, CARRYING, SALE, OTHER TRANSFER, MANUFACTURE, TAXATION, KEEPING, AND REPORTING OF LOSS OR THEFT OF FIREARMS, THEIR COMPONENTS, AND THEIR AMMUNITION; AND DECLARING AN EMERGENCY.

This legislation will repeal and amend the City's codified ordinances. It will not eliminate what is allowed or allow what is prohibited. It merely removes repetitive sections in the City's code that appear in the state law. Therefore, if the state law changes, the municipal law would not be in conflict.

Mr. Kos stated that based on recommendations by Mrs. Fenderbosch, this legislation will be returned to the Safety Committee for further discussion and possible amendments.

Temporary Legislation #11334, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF FEBRUARY 11, 2020 THROUGH DECEMBER 31, 2020, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will permit the Finance Director to dispose of surplus City property by internet auction on the following internet auction sites: govdeals.com, propertyroom.com, and publics surplus.com.

### First Readings:

Temporary Legislation #11337, A RESOLUTION AUTHORIZING THE DISPOSAL OF UNCLAIMED OR FORFEITED PROPERTY BY THE POLICE DEPARTMENT, was read by title only.

This legislation will permit the Police Chief to dispose of unclaimed property housed in the Police Department. A complete list of the items to be disposed of will be posted on the City's website.

Temporary Legislation #11338, AN ORDINANCE AUTHORIZING PAYMENT TO THE LORAIN COUNTY COMMISSIONERS FOR THE 2020 MAINTENANCE COSTS OF THE NEW WORLD COUNTYWIDE COMPUTER AIDED DISPATCH/RECORDS MANAGEMENT SYSTEM AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #11338. This legislation will authorize the Finance Director to pay the 2020 maintenance costs for the New World Countywide Computer Aided Dispatch/Records Management System in the amount of \$16,726.89. This system provides the City with access to the County 911 system through data transmissions to coordinate dispatch and deliver emergency services.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

**Ordinance No. 7-2020 adopted.**

Temporary Legislation #11339, AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 04-00-008-104-134 WEBBER ROAD FROM A LIGHT INDUSTRIAL (LI) DISTRICT TO AN R-2 MULTI-FAMILY RESIDENTIAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will rezone a parcel on Webber from Light Industrial (LI) to R-2 Multi-Family Residential District. A public hearing will be held at the second reading of this legislation and all property owners within a 300 foot radius of this parcel will receive notice. Planning Commission approved this rezoning on January 7<sup>th</sup>.

Public Works Director Reitz informed Council that this legislation should be amended to state that the rezoning is for a portion of a parcel and not the entire parcel as recited.

Temporary Legislation #11340, AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 04-00-008-104-125 WEBBER ROAD FROM A LIGHT INDUSTRIAL (L1) DISTRICT TO AN R-2 MULTI-FAMILY RESIDENTIAL DISTRICT, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will rezone a parcel on Webber from Light Industrial (LI) to R-2 Multi-Family Residential District. A public hearing will be held at the second reading of this

legislation and all property owners within a 300 foot radius of this parcel will receive notice. Planning Commission approved this rezoning on January 7<sup>th</sup>.

The same amendment is needed on this legislation to reflect that the rezoning is for a portion of a parcel.

Temporary Legislation #11341, AN ORDINANCE CONFIRMING THE APPOINTMENT BY THE MAYOR OF GARY A. EBERT AS DIRECTOR OF LAW, ESTABLISHING THE DUTIES AND COMPENSATION FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Mr. Zuber moved for passage of Temporary Legislation #11341. This legislation authorizes the appointment of Gary Ebert as Law Director for a term concurrent with the Mayor effective January 29, 2020. Mr. Ebert's salary will be \$72,000, payable bi-weekly. If the City becomes a party to litigation either for or against, Mr. Ebert will be compensated at the rate of \$150/hour for those legal services.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

**Ordinance No. 8-2020 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. James announced that he has a contract to sell his home on Highland Avenue and found a home to purchase in Ward 2; therefore, he will be resigning from his position as Ward I Council representative either effective February 24, 2020 at 11:59 p.m. or upon the close of the sale of his house, whichever is later. If the sale of his home does not occur, Mr. James will not submit his resignation.

## **PUBLIC INPUT**

Kathryn Eyring, 95 Edgewood Drive, Avon Lake addressed Council regarding the notice she received from the City in December that her services were no longer needed. After receiving this notice, Ms. Eyring told her students that she was fired from the City and based on that statement, several students voiced their objections to the Recreation Director Pinchek and Mayor Zilka.

Mayor Zilka responded to the issue of firing Ms. Eyring and stated that Ms. Eyring was not fired, she failed to renew her contract. The renewal contracts were distributed in

November. Ms. Eyring voiced her dissatisfaction with the 70/30 revenue split. Since the City's Recreation Department registers students, provides the facility, and purchases equipment, 30% of the revenue collected is applied toward those costs. Previously, Ms. Eyring compared her classes to Yoga on the Lake. However, there are no costs incurred by the City because Yoga on the Lake is a donation based class.

Katherine Batram, 32851 Titus Hill Lane, Avon Lake addressed Council in support of Ms. Eyring, as an instructor.

### **EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22(g), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the purchase or sale of public property.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Adjournment: 8:35 P.M.

### **RECONVENING OF COUNCIL MEETING**

The Council meeting was reconvened at 8:51 P.M.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Gary Izo, Rob James, David Kos, Marty O'Donnell, K. C. Zuber; Mayor Zilka; Assistant Law Director David Graves, Public Works Director Joe Reitz; and Finance Director Steve Presley.

Mrs. Fenderbosch moved for adjournment.

Yes: Fenderbosch, Izo, James, Kos, O'Donnell, Zuber, Arnold

No: None

Motion carried.

Adjournment: 8:51 P.M.

Approved: Martin O'Donnell  
Council President

Attest: Valerie E. Rosmarin  
Clerk of Council