

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 24, 2020**

The regular meeting of the Avon Lake Municipal Council was called to order on February 24, 2020 at 7:30 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. James 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 and K. C. Zuber; Mayor Zilka; Law Director Gary Ebert; Finance Director Steve Presley; Public Works Director Reitz; and Clerk of Council Valerie Rosmarin.

MOTION

Mr. Zuber moved to accept the resignation of Sergeant Victoria Rightnour effective February 29, 2020. After over 21 years of dedicated service to the City, Sergeant Rightnour tendered her letter of resignation.

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

No: None

Motion carried.

APPOINTMENT OF A POLICE SERGEANT

Temporary Legislation #11354, AN ORDINANCE CONFIRMING THE APPOINTMENT OF THOMAS ANADIOTIS AS SERGEANT IN THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Temporary Legislation #11354. This legislation will appoint the next candidate on the civil service eligibility list, Mr. Anadiotis. Since 2001, Mr. Anadiotis has served in the position of Police Officer for the City. During that service he has been involved in the Field Training Officer program and the training of new officers to the Police Department.

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

No: None

Motion carried.

Ordinance No. 17-2020 adopted.

Law Director Ebert administered the Oath of Office to Mr. Anadiotis.

APPROVAL OF MINUTES

The minutes of the January 27, 2020 and February 10, 2020 Council Meeting were approved as prepared and published.

CORRESPONDENCE

A letter of resignation from Rob James, as Ward I Council representative, was received and read by Mr. O'Donnell.

MAYOR'S REPORT

The attendance for the Ward 3 & 4 meeting on February 19th was low with less than 50 residents. However, the meeting was live streamed and 500 people viewed along with an additional 500 at a later date. Those numbers were approximately the same as the Ward 1 & 2 meeting.

An email was received regarding the posting of illegal political signs. The signs were placed in the right of way and on private property which are not in compliance with City code. The political candidate on the sign was contacted and offered his assurance that the signs would be removed.

Residents will be considering two issues on the March 17th ballot: (1) Issue 2 is the Renewal Levy for the City's operating expenses; and (2) Issue 17 Lorain County Community College for education, job prep, technology, operations, and improvements.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting is Monday, March 2nd at 7:30 p.m. in Council Chamber.

The next Council Meeting is Monday, March 9th 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 15th at 4:30 p.m.

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 in lieu of the regularly scheduled meeting, the Environmental Affairs Advisory Board will tour the Avon Lake Regional Water Treatment Facility on Wednesday, March 4th.

The U.S. Department of Agriculture conducted a deer survey on January 22nd between the hours of 9:35 a.m. and 1 p.m. There were 103 white tailed deer observed, 51% or 53 of those deer were within the political boundaries of Avon Lake and the remainder found south of Avon Lake.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the following items discussed at the Human Resources Committee meeting on February 3rd: the job description for the Assistant Public Works Director; the appointment of a Police Sergeant; the resignation of the Program Manager in the Recreation Department; City cell phones; amendments to Ordinance No. 131-2019 Vacations; and the appointment of a Laborer in the Public Works Department.

The next meeting of the Human Resources Committee will be held March 9th at 6:30 p.m. in the Public Works Conference Room.

PUBLIC SERVICE COMMITTEE REPORT

Mr. James reported on the following items discussed at the Public Service Committee meeting on February 24th: a discussion on improvement plans for recreation at Ilg Park presented by Lisa Thain; a recommendation to award a bid for the Miller Road Park sand dredging; and the acceptance of the 2020 NOPEC grant. The Public Works Director provided updates regarding the vacation of Overlook Road and Overlook Park and a settlement agreement with a resident at 228 Beck Road.

SAFETY COMMITTEE REPORT

The next meeting of the Safety Committee will be held Wednesday, March 18th at 6:00 p.m. in the Council Conference Room.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee will be held Thursday, March 19th 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, March 2nd at 6:30 p.m. in the Public Works Conference Room.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held Wednesday, February 26th at 7:00 p.m. in the Council Chamber.

MOTIONS

Mr. O'Donnell moved to add a motion to accept the resignation of Rob James as Ward I Council representative.

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

No: None

Motion carried.

Mr. Kos moved to confirm the Mayor's appointment of Sandy Garrett to the Avon Lake Historical Preservation Commission for a term expiring December 31, 2021. This appointment will complete the composition of the Avon Lake Historical Preservation Commission. Ms. Garrett, as a lifelong resident of Avon Lake, has consistently made contributions to the community through her service as chair of the Avon Lake United Church of Christ Worship Team and a board member of the Heron Bay Homeowners Association.

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

No: None

Motion carried.

Mr. O'Donnell moved to accept the resignation of Rob James as Ward I Council representative. Mr. O'Donnell, Mayor Zilka, Mr. Kos, Mrs. Fenderbosch, Mr. Arnold, Mr. Zuber, and Mr. Izo provided closing remarks.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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. During this legislation process, a list of the items to be disposed was posted on the City's website and no one has submitted a claim to anything on the list.

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

No: None

Motion carried.

Ordinance No. 18-2020 adopted.

Second Readings:

Temporary Legislation #11345, A RESOLUTION TO APPROVE THE APPLICATION MADE BY ABK LIMITED 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. James moved for passage of the rule requiring three readings.

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #11345. This legislation will approve the application of ABK Limited made to the City for designation as an agricultural district. This process is completed every five years and ABK Limited will receive tax benefits with the County.

Public Works Director Reitz stated that the agriculture designation protects farmers should a municipality decide to complete a capital infrastructure project by deferring any assessment that project would include. There are not many properties in Avon Lake who qualify.

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

No: None

Motion carried.

Ordinance No. 19-2020 adopted.

Temporary Legislation #11346, A RESOLUTION TO APPROVE THE APPLICATION MADE BY LNK LIMITED 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. James moved for passage of the rule requiring three readings.

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #11346. This legislation will approve the application of LNK Limited made to the City for designation as an agricultural district for tax benefits with the County.

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

No: None

Motion carried.

Ordinance No. 20-2020 adopted.

Temporary Legislation #11350R, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2020 FORD F-250 REGULAR CAB 4 x 2 FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of the rule requiring three readings.

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

No: None

Motion carried.

Mr. James moved for passage of Temporary Legislation #11350R. This legislation will authorize the purchase of a 2020 Ford F-250 4 x 2 for the Public Works Department from Kowalski Ford, Avon Lake in the amount of \$27,904.56.

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

No: None

Motion carried.

Ordinance No. 21-2020 adopted.

First Readings:

Temporary Legislation #11352, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ASSISTANT PUBLIC WORKS DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 101-91, was read by title only.

This legislation will adopt a job description for the new position of Assistant Public Works Director recommended by the Human Resources Committee. Upon approval of this position, the position of Foreman will be repealed.

Temporary Legislation #11353, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRANDON HAAS AS A LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Temporary Legislation #11353. This legislation will confirm the appointment of Brandon Haas as Laborer in the Public Works Department effective February 25, 2020 at the Step 1 salary of \$24.39/hour.

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

No: None

Motion carried.

Ordinance No. 22-2020 adopted.

Temporary Legislation #11355, AN ORDINANCE AUTHORIZING ENTERING INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT FOR THE FLOW DIVERSION PROJECT AT THE WATER RECLAMATION FACILITY AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter an agreement to obtain a loan from the Water Pollution Control Loan Fund and approved by the Board of Municipal Utilities for the design and construction of a flow diversion structure at the Water Reclamation Facility.

Avon Lake Regional Water received approval from the Ohio EPA to occasionally divert treated effluent from the Water Reclamation Facility when the volume reaches high levels. This water would normally flow through an existing sewer to an outfall into Lake Erie near the Boat Club at Miller Road Park; however, when the volume is high, after the flow diversion structure would be constructed, the treated effluent would be diverted to the existing storm water sewer that has a 101" diameter outfall into Lake Erie. The treated effluent is cleaner than the water in Lake Erie.

Temporary Legislation #11356, AN ORDINANCE TO AMEND PLANNING & ZONING CODE SECTIONS 1212.03 DEFINITIONS OF GENERAL TERMS, 1246.02 PERMITTED USES, 1250.03(a)(2) REGULATIONS FOR CONDITIONAL USES IN BUSINESS AND INDUSTRIAL DISTRICTS, AND 1250.04 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend the applicable Planning & Zoning Code sections to add storage garages as a permitted use and establish the regulation for a conditional use in a Light Industrial (LI) District as approved by Planning Commission on February 4th.

Temporary Legislation #11357, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR THE HARBOUR PLANNED UNIT DEVELOPMENT SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve the improvement plans for The Harbour Subdivision No. 1 consisting of 29 single family lots, east of Brennan Court, west of the Avon Lake/Bay Village border, and on the south side of Walker Road within an R-1 Single Family Residential District as approved by Planning Commission on February 4th.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos thanked Mr. Matthey’s 4th grade class at Redwood Elementary School and Librarian Schneider for their invitation to the Redwood Reads Program as a guest reader. This was the fifth consecutive year he has participated in this fun and engaging program.

Mr. Kos thanked Mayor Zilka and Mr. O’Donnell for the opportunity to be their “standin” at the annual Avon Lake Boat Club Fish Fry held at Beachpark Tower.

Mrs. Fenderbosch also had the opportunity to participate in the Redwood Reads Program and thanked the students in Mrs. Furrier’s 4th grade class at Redwood Elementary School.

Mr. James addressed Council and the public with a closing statement.

Mrs. Fenderbosch moved for adjournment.

Yes: Kos, O’Donnell, Zuber, Arnold, Fenderbosch, Izo

No: James

Motion carried.

Adjournment: 8:25 P.M.

Approved: Martin O’Donnell
Council President

Attest: Valerie E. Rosmarin
Clerk of Council