

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JULY 13, 2020**

The regular meeting of the Avon Lake Municipal Council was called to order on July 13, 2020 at 7:00 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: (Via Zoom) Council Members Billie Jo David, Jennifer Fenderbosch, and Gary Izo; Finance Director Steve Presley, Public Works Director Joe Reitz; (Council Chamber) Council Members Zach Arnold, Marty O'Donnell, K. C. Zuber, Mayor Zilka, Law Director Gary Ebert, and Clerk of Council Valerie Rosmarin.

Absent: David Kos.

**APPROVAL OF MINUTES**

The minutes of the June 22, 2020 Council Meeting were approved as prepared and published.

**CORRESPONDENCE**

Kevin Leetch, 155 Tomahawk Drive, Avon Lake requested Council suspend the rule for three readings on an emergency basis for Temporary Legislation #11408 approving the vacation of a portion of Overlook Drive.

**MAYOR'S REPORT**

Governor DeWine designated Lorain County as Level 3 (orange) "very high exposure and spread." Designations are based on cases, deaths, hospitalizations, and ICU admissions and are now calculated weekly instead of monthly. More than 160 cases have been reported in Lorain County during the past 14 days. In Avon Lake, there were three more positive cases; two cases were residents in their twenties and the third is an older medical worker. To date, in Avon Lake there have been 97 reported cases and 12 deaths.

On Sunday, July 12<sup>th</sup> a concert was held at Bleser Park. The event was well attended and the public generally complied with social distancing and wearing of masks.

Mrs. Fenderbosch noted that the City of Stow passed an ordinance that if the public does not wear a mask when entering a business, they will be prosecuted for trespassing. Residents have inquired if Avon Lake would pass such an ordinance. Mayor Zilka responded that only the Police Department is authorized to issue citations or penalties/fines for non-compliance and not the Lorain County Health Department.

However, enforcing compliance is a difficult position for police departments throughout the country. Since business establishments are now required to post that they will not allow anyone into their business who is not wearing a mask, they can be cited. At this point, there are no plans to take any type of action by the Police Department to enforce compliance and whenever situations of non-compliance are reported, they will ask for compliance out of courtesy for their fellow resident and the public.

## **MOTIONS**

Mr. O'Donnell made a motion to authorize the Mayor to execute a contract with Gatchell Grant Resources, LLC for grant services in an amount not to exceed \$625. The City is applying for a grant for COVID Assistance to fund costs related to Personal Protection Equipment (PPE), sanitation equipment, supplies and services to disinfect the ambulances and Fire Station. The cost to apply for this grant is \$625; if the City is awarded a grant, the fees associated with obtaining the grant will not exceed \$3,000.

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

No: None

Absent: Kos

Motion carried.

Mr. Arnold made a motion to confirm the Mayor's re-appointment of Janice Lapina to the Community Improvement Corporation for a term expiring August 1, 2023. Mrs. Lapina has been a member of the Community Improvement Corporation since its inception in 2013 and has agreed to continue her service.

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

No: None

Absent: Kos

Motion carried.

## **LEGISLATION**

### Second Reading:

Temporary Legislation #11403, AN ORDINANCE APPROVING A ONE-TIME VACATION TIME DEFERRAL FOR CERTAIN FULL-TIME, NON-BARGAINING UNIT PERSONNEL, was read by title only.

This legislation will provide the full-time, non-bargaining unit employees with the same benefit as the Collective Bargaining Unit employees of a one-time carry over of up to two week's vacation time to be used by December 31, 2021.

First Readings:

Temporary Legislation #11404, AN ORDINANCE TO AMEND APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2020, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11404. This legislation will amend the 2020 appropriations by adding \$45,000 to the Human Resources budget and \$20,000 to the Civil Service budget.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 73-2020 adopted.**

Temporary Legislation #11405, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #11405. This legislation will amend the Fee Schedule to include a Pollinator Garden in the Tree Lawn Permit fee in the amount of \$20.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 74-2020 adopted.**

Temporary Legislation #11406, AN ORDINANCE AWARDED A CONTRACT FOR THE CITY HALL BUILDING AUTOMATION SYSTEM UPGRADE, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #11406. This legislation will award a contract to Gardiner Service Co LLC of Solon, Ohio in the amount of \$99,820 for upgrades to the HVAC system at City Hall.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 75-2020 adopted.**

Temporary Legislation #11407, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC. FOR A SAFETY STUDY OF US 6 (LAKE ROAD) WITHIN AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11407. This legislation will award a personal services agreement to Mannik & Smith Group, Inc. of Shaker Heights, Ohio in the amount of \$23,500 to conduct a safety study of existing conditions, roadway operations, crash history and identification of contributing factors of crashes to develop improvements and enhance safety operations of existing and projected traffic conditions of US 6 (Lake Road).

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 76-2020 adopted.**

Temporary Legislation #11408, AN ORDINANCE APPROVING A VACATION OF A PORTION OF OVERLOOK ROAD, AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Temporary Legislation #11408. This legislation will approve a vacation of a portion of Overlook Road consisting of 0.1432 acres between Sublot 103 and Sublot 104 of Avondover Beach Subdivision No. 3 on the easterly side of Tomahawk Drive and recommended by Planning Commission on July 7<sup>th</sup>.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 77-2020 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Under the direction of Eagle Scout Nick Zanges with assistance from Nick Yarnham of Northern Hammerworks and Heritage Avon Lake members Tony Tomanek and Sherry Spencer, the Spirit of St. Louis was completed and erected at Miller Road Park. A dedication ceremony will be held Saturday, August 15<sup>th</sup> at 10 a.m.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 7:22 P.M.

Approved: */s/ Martin E. O'Donnell*  
Council President

Attest: */s/ Valerie Rosmarin*  
Clerk of Council