

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
SEPTEMBER 28, 2020**

The regular meeting of the Avon Lake Municipal Council was called to order on September 28, 2020 at 6:56 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. O'Donnell led the Council, staff, and public in the Pledge of Allegiance.

Present: (Via Zoom) Council Member Jennifer Fenderbosch; Finance Director Steve Presley; Public Works Director Joe Reitz; (Council Chamber) Council Members Zach Arnold, Billie Jo David, David Kos, Marty O'Donnell, K. C. Zuber; Mayor Zilka, Law Director Gary Ebert; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the September 14, 2020 Council Meeting were approved as prepared and published.

MOTIONS

Letters of interest were submitted by eight candidates to fill the Council Ward III Representative vacancy and interviews were conducted on September 21st and 22nd.

Mr. O'Donnell moved to nominate Mark Spaetzel as the Council Ward III Representative based on his qualifications and experience.

Mr. Spaetzel is part of a third generational family in Avon Lake. His maternal grandmother was in the first graduating class of Avon Lake High School and he is a graduate of Avon Lake High School. After graduating from Baldwin Wallace College, he began his service in law enforcement 34 years ago as a Police Officer in the City of Bay Village. He was promoted to the rank of Police Sergeant, Detective Lieutenant, and in 2013 until June 2020 was the Chief of Police. He attended the FBI National Academy in Leadership, is a member of the Ohio Association of Chiefs of Police and the Cuyahoga County Police Chiefs Association, and was an adjunct professor at Lorain County Community College. In addition to his law enforcement service, he is an active member of the United Church of Christ and helped to develop and manage their afternoon school program and has participated in 13 mission trips offering disaster relief assistance to impoverished countries. He has coached a variety of sports, served as a Cub Scout leader, and served on the 2018 Charter Review Commission for the City of Avon Lake.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos

No: None

Motion carried.

Mr. O'Donnell move to appoint Mark Spaetzel as the Council Ward III Representative for a term expiring December 31, 2021.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos

No: None

Motion carried.

Law Director Ebert administered the Oath of Office to Mark Spaetzel.

CORRESPONDENCE

The following emails were received in support of Temporary Legislation #11419:

- Jessica Duplaga, Eric Hammer, John and Jennifer Gould, Judith Reich, Evan Paine, Kip and Jean Sekulic, Barbara Cross, Judy Roberson, Loy Wiley, Michael Cindric, and Sandy Grossman.

The following emails were received in opposition to Temporary Legislation #11419:

- Jim and Mary Schneider, Kitty Murray, Curtis Weems, and Joseph Schneider.

MAYOR'S REPORT

The Lorain County Health Department reported there were four new positive COVID 19 cases in Avon Lake.

Avon Lake will observe Trick or Treat on October 31st from 6:00 p.m. to 7:30 p.m. The Lorain County Public Health has released guidelines for this event which can be found on their website, www.loraincountyhealth.com. It is recommended that for those participating in this activity, that they dress appropriately, stay within their group, use social distancing, and wear masks.

The proclamation presented at the Collective Committee Meeting to the Avon-on-the-Lake Garden Club represents the incredible work this community group has done throughout the City for the past 90 years.

In response to Mr. Zuber, Mayor Zilka reported that the doors to City Hall will remain locked, which is similar to the practice of other City buildings. The public can gain access to the building by ringing a bell. Whereupon the receptionist or City employee will speak to the individual, ask the reason for their visit, and release the lock to open the door. The public is encouraged to schedule appointments. At this point, there is no slated time when the doors will be reopened.

COUNCIL PRESIDENT'S REPORT

In observation of Columbus Day, the rescheduled Collective Committee Meeting and Council Meeting will be held Tuesday, October 13th at 6:30 p.m.

The 2021 Budget meeting will be held on Saturday, October 10th from 8 a.m. until 12 noon in the Council Chamber.

MOTIONS

Mrs. Fenderbosch moved to authorize the Mayor to execute an amendment to the Lease Agreement for The Anchor changing the the ownership from TBP Avon Lake LLC to TSH Commerical Holdings, LLC. The owners of The Anchor recently sold their interest in this property and an amendment to the lease with the City is necessary.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mrs. Fenderbosch moved to refer a petition to vacate a portion of Canterbury Road, east of S. R. 83 to Planning Commission. This property is a paper street maintained by the City. The property owners, Bradley and Karen Hutcherson, abutting to the north at S.R. 83 have requested the City vacate this paper street at a cost not to exceed \$1,500. This paper street also abuts the Lorain County Metroparks. Therefore, the City desires to submit a petition to Planning Commission for this vacation; and if recommended, it will be presented to City Council at a future meeting.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

LEGISLATION

Third Readings:

Temporary Legislation #11387R, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF SHEFFIELD, THE CITY OF SHEFFIELD LAKE, THE CITY OF AVON, THE CITY OF AVON LAKE, AND THE CITY OF NORTH RIDGEVILLE TO ESTABLISH A 700 MHz 5-CITY REGIONAL RADIO SYSTEM AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #11387R. This legislation will authorize the Mayor to enter into a Memorandum of Understanding with the Village of Sheffield and the Cities of Sheffield Lake, Avon, and North Ridgeville to establish a

public safety/service radio communication system. All five communities are required to pass a similar resolution.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 85-2020 adopted.

Temporary Legislation #11411, AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY, was read by title only.

Mr. Zuber moved for passage of Temporary Legislation #11411. This legislation will amend Civil Service Rule 9 Section B by defining veteran, disabled veteran, and honorable conditions of a military discharge. The Civil Service Commission wanted to provide a comprehensive rule for military service to help determine a candidate's eligibility for bonus points.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 86-2020 adopted.

Temporary Legislation #11412, A RESOLUTION IN SUPPORT OF SENATE BILL 73 TO AMEND SECTION 4511.46 OF THE REVISED CODE TO ALTER THE LAW GOVERNING YIELDING TO PEDESTRIANS IN CROSSWALKS AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Temporary Legislation #11412. This legislation will support Ohio Senate Bill 73 altering the law governing yielding of pedestrians. If this law is passed at the state level, motorists will be required to stop and yield to pedestrians attempting to enter the crosswalk when there is not a traffic control device in place. This law will not permit or allow the pedestrian to walk into the roadway and expect oncoming traffic to stop. This resolution urges the State House to pass the bill; and if passed, it will be forwarded to the Governor to sign it into law.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 87-2020 adopted.

First Readings:

Temporary Legislation #11417, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11417. This legislation authorizes the Finance Director to transfer the amount of \$1,084,078.32 in the months of October, November, and December for the necessary expenditures of the City.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 88-2020 adopted.

Temporary Legislation #11418, AN ORDINANCE ESTABLISHING A NEW CHAPTER OF THE CODIFIED ORDINANCES ENTITLED COMMUNITY RELATIONS BOARD AND REPEALING CHAPTER 290 OF THE CODIFIED ORDINANCES ENTITLED AFFIRMATIVE ACTION COMMISSION, was read by title only.

This legislation will amend the Codified Ordinances to repeal the Affirmative Action Commission and establish the Community Relations Board. The Community Relations Board will be comprised of the Law Director, Finance Director, HR Director, Human Resources Committee Chair, and two community members appointed by City Council. Its purpose will be to analyze civil service testing and recruitment procedures, review and evaluate departmental policies of inclusion and diversity training, support the community's efforts to recruit, orientate, and retain roles for any protected classes, and encourage and support safe and sound performance and management practices.

Temporary Legislation #11419, A RESOLUTION DENOUNCING ALL FORMS OF RACISM, HOMOPHOBIA, SEXISM, AGEISM, XENOPHOBIA, RELIGIOUS DISCRIMINATION AND DISABILITY DISCRIMINATION AND REAFFIRMING THE CITY'S POLICIES AND PRACTICES OF BEING WELCOMING TO ALL PEOPLE IRRESPECTIVE OF RACE, SEXUAL ORIENTATION, GENDER, NATION OF ORIGIN, RELIGION OR DISABILITY STATUS OR ANY OTHER IMMUTABLE CHARACTERISTIC, was read by title only.

This legislation supports the establishment of the Community Relations Board and addresses the current events in the country. Some residents have voiced their opposition to this legislation because they question if it is necessary since Avon Lake is a welcoming and diverse community. However, Avon Lake is not immune from the problems faced by other communities. This resolution provides the City's elected officials an opportunity to firmly state that discrimination in any form will not be tolerated and to reaffirm their commitment to Avon Lake and uphold the laws that they were sworn to obey.

Temporary Legislation #11420, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MULL & WEITHMAN ARCHITECTS, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #11420. This legislation authorizes the Mayor to enter an agreement with Mull & Weithman Architects, Inc. of Columbus, Ohio in the amount of \$38,214.00 to conduct a feasibility study for the Safety Center. The agreement includes a reimbursement allowance of \$1,900 and a geotechnical investigation fee of \$6,500. Upon completion, Mull & Weithman will present their design recommendations at a City Council Work Session.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 89-2020 adopted.

Temporary Legislation #11421, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN R.C. 4117.14(G)(11) WAIVER AND AN EXTENSION AGREEMENT PURSUANT TO SERB CASE NO. 20-MED-03-0314 OF THE AVON LAKE FIREFIGHTERS, IAFF LOCAL 1361 AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Temporary Legislation #11421. This legislation will authorize the Mayor to enter a waiver and extension agreement with the Avon Lake Firefighters, IAFF Local 1361 for the period from July 1, 2020 through October, 31, 2020.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 90-2020 adopted.

Temporary Legislation #11422, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLEVELAND COMMUNICATIONS, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mr. Kos moved for passage of Temporary Legislation #11422. This legislation authorizes the Mayor to enter an agreement with Cleveland Communications, Inc. of Parma, Ohio in the amount of \$767,171.55 to establish a regional radio system. Each participating municipality is responsible for one-fifth of this amount, or \$153,434.31, which will be paid in three installments of 25%, 65%, and 10%.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 91-2020 adopted.

Temporary Legislation #11423, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE BOARD OF ZONING APPEALS IN AN ACTION FILED BY JOHN SEBASTIAN AND SANDRA SEBASTIAN, CASE NO. 20 CV 201683 AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, David, Fenderbosch, Kos, Spaetzel

No: Zuber, Arnold

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11423. This legislation will provide the Zoning Board of Appeals with a legal defense in an action filed by John and Sandra Sebastian. Due to the unfavorable outcome of a Zoning Board of Appeals case, Mr. and Mrs. Sebastian filed an action in the Lorain County Court of Common Pleas. Upon authorization, Law Director Ebert will file the City's response and work towards a settlement.

Yes: O'Donnell, Arnold, David, Fenderbosch, Kos, Spaetzel

No: Zuber

Motion carried.

Ordinance No. 92-2020 adopted.

Temporary Legislation #11424, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE

NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

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

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Mr. O'Donnell moved for passage of Temporary Legislation #11424. This legislation will accept the tax rates for 2021 as determined by the Lorain County Budget Commission based on the estimate provided by the County Auditor.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Ordinance No. 93-2020 adopted.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(g), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the purchase of real property and the employment of a public employee.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Adjournment: 7:50 P.M.

RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 8:45 P.M.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, K. C. Zuber; Mayor Zilka; and Law Director Ebert.

Mrs. Fenderbosch moved for adjournment.

Yes: O'Donnell, Zuber, Arnold, David, Fenderbosch, Kos, Spaetzel

No: None

Motion carried.

Adjournment: 8:45 P.M.

September 28, 2020 Council Meeting Minutes

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

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