

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JANUARY 24, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on January 24, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Presley; Public Works Director Reitz; and Clerk of Council Valerie Rosmarin.

**EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22(G), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss litigation.

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

No: None

Motion carried.

Adjournment: 7:05 P.M.

**RECONVENING OF COUNCIL MEETING**

The Council meeting was reconvened at 7:31 P.M.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Presley; Public Works Director Reitz; and Clerk of Council Valerie Rosmarin.

**APPROVAL OF MINUTES**

The minutes of the December 22, 2021 Council Meeting, January 3, 2022 Organizational Meeting, and January 10, 2022 Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Former Mayor Vince Urban died January 16<sup>th</sup>. In the City's Bicentennial Magazine, he was interviewed and his accomplishments as Mayor were noted as follows: the City

had a deficit of \$350,000 when he became Mayor and had a \$1.8 million surplus when he left. The fishing pier at Miller Road Park was installed, the Safety Center complex was being built, and Pin Oak Parkway off Route 83 was being constructed. City Council acknowledged his passing at the Collective Committee Meeting on January 18<sup>th</sup> and offered condolences to the Urban family. At the request of his widow, his City Mayoral portrait was displayed during his funeral.

The Virtual Ward Meeting will be held Tuesday, February 8<sup>th</sup> beginning at 7 p.m. The public can view the meeting live on Facebook, ALCTV, and it will be re-aired during the week. Residents can submit questions via email before the meeting or during the meeting.

GenOn announced that the Power Plant will be implementing its closing on April 1<sup>st</sup> or two weeks thereafter.

NOPEC notified the Mayor that the City will be receiving an energy grant for \$68,770.

In response to Mayor Zilka, Public Works Director Reitz stated that this amount plus the past award will be used to replace the lights at the two ballfields at Bleser Park and the tennis courts with LED lights.

In response to Mrs. Fenderbosch, Mayor Zilka stated that all questions related to the Virtual Ward Meeting should be submitted to the Mayor's Assistant, Mary Krupar at [mkrupar@avonlake.org](mailto:mkrupar@avonlake.org).

### **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting will be held Monday, February 7<sup>th</sup> at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, February 14<sup>th</sup> at 7:00 p.m. in the Council Chamber.

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

Public Works Director Reitz reported that the Public Works Department is still picking up Christmas trees, and to date have completed several passes throughout the City. Residents can call to schedule a pickup at 930-4126.

### **BUILDING AND UTILITIES COMMITTEE REPORT**

The next meeting of the Building and Utilities Committee will be held Thursday, February 10<sup>th</sup> at 6:00 p.m. in the Council Chamber.

## **FINANCE COMMITTEE REPORT**

Council President O'Donnell reported on the results of the Finance Committee meeting held earlier. The following topics were discussed: 1) amendments to the purchasing procedures in Codified Ordinance Chapter 252; 2) year-end financials; and 3) Moody ratings.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported that the Human Resources Committee voted 3-0 that the Payroll Administrator position (Ordinance No. 22-08) is unclassified; however, the Civil Service Commission recommended that it be classified. It is a fiduciary position and the Finance Director is permitted to have one fiduciary position, or unclassified, in his department. Also, the person in this position will act on behalf of the Finance Director in his absence. Therefore, it will remain an unclassified position, and it will be presented for passage tonight.

Finance Director Presley stated that the Payroll Administrator will supervise other staff in the Finance Department and will authorize payment of checks, approve purchase orders, and other administrative functions.

Mr. Zuber stated that the Civil Service Commission recommended that the Finance Clerk - Accounts Receivable (Ordinance No. 22-09) job description be a classified position. The Finance Director and the Human Resources Committee did not have an issue with that classification, and it will move forward as classified. At the next meeting of the Human Resources Committee, February 14<sup>th</sup>, the Committee will decide if it will be up for passage at the second reading on February 14<sup>th</sup>.

Mr. Zuber informed City Council that he met with Council President O'Donnell to discuss having an Executive Session on the non-bargaining pay in the Fire Department. Council President O'Donnell agreed to an Executive Session on February 7<sup>th</sup> after the Collective Committee Meeting.

## **PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**

The next meeting of the Public Safety and Health Committee will be held Wednesday, February 16<sup>th</sup> at 6:00 p.m. in the Council Chamber. The Safety Center Campus project will be one of the topics discussed.

## **PUBLIC SERVICE COMMITTEE REPORT**

The next meeting of the Public Service Committee will be held Wednesday, January 27<sup>th</sup> at 6:00 p.m. in the Council Chamber.

## **PLANNING COMMISSION REPORT**

The next meeting of the Planning Commission will be held Tuesday, February 1<sup>st</sup> at 7:00 p.m. in the Council Chamber.

## **ZONING BOARD OF APPEALS REPORT**

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

## **PARKS AND RECREATION COMMISSION REPORT**

The next meeting of the Parks and Recreation Commission will be held Wednesday, January 26<sup>th</sup> at 5:30 p.m. at the Lake House.

## **CITIZENS TREE COMMISSION REPORT**

The next meeting of the Citizens Tree Commission will be held Wednesday, March 9<sup>th</sup> at 7:00 p.m. at the Old Firehouse and Community Center.

## **COMMUNITY RELATIONS BOARD REPORT**

Mr. Zuber reported on the meeting of the Community Relations Board on January 12<sup>th</sup>. Building Official Tom Carleton, as the City's ADA Coordinator, and Finance Director Presley, as the City's Fair Housing Administrator, talked about their roles since the Board's objectives are to promote and enforce fair ADA and Fair Housing policies as per Chapter 291. Also, HR Director Siwierka reviewed a report on the information she gathered about HR issues from employees.

The next meeting of the Community Relations Board will be held Wednesday, April 13<sup>th</sup> at 4:00 p.m. in the Council Chamber. The Police and Fire Chief will be invited to talk about their roles.

## **MOTIONS**

Mrs. Fenderbosch moved to add a motion to the agenda postponing the third reading of Ordinance No. 21-186.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to authorize the Public Works Department to advertise for bids for the Miller Park Sand Dredging Project. The Public Works Department has

requested authorization to advertise for bids for the annual dredging of the boat launch at Miller Road Park.

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

No: None

Motion carried.

Council President O'Donnell moved to confirm the Mayor's appointment of John Sebastian to the Community Reinvestment Area Housing Council for a term expiring December 31, 2024. Mr. Sebastian has agreed to continue to serve on this Council, and the City welcomes his continued support and financial expertise for another three-year term.

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

No: None

Motion carried.

Mrs. David moved to appoint Rob Shahmir to the Environmental Affairs Advisory Board for a term expiring December 31, 2024. Mr. Shahmir has offered to fill the vacancy on this Board, and his experience and expertise in the field of the oil and gas industry will greatly benefit the Board.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to postpone the third reading of Ordinance No. 21-186 authorizing the Mayor to negotiate and enter into a contract with Midstates Recreation for the Renew ALPS (Avon Lake Play Space) Project to a special meeting on January 31, 2022 at 6:00 p.m.

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

No: None

Motion carried.

## LEGISLATION

### First Readings:

Ordinance No. 22-06, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR LEGAL COUNSEL AND ENVIRONMENTAL CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 22-06. This legislation will authorize the Mayor to retain the legal services of Todd Davis for brownfield redevelopment and environmental issues of the West End redevelopment at a cost not to exceed \$35,000.

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

No: None

Motion carried.

**Ordinance No. 22-06 adopted.**

Ordinance No. 22-07, AN ORDINANCE 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 JANUARY 25, 2022 THROUGH DECEMBER 31, 2022 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Zuber

Motion carried.

Mr. O'Donnell moved for passage of Ordinance No. 22-07. 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.

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

No: None

Motion carried.

**Ordinance No. 22-07 adopted.**

Ordinance No. 22-08, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PAYROLL ADMINISTRATOR AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-08. This legislation will adopt the job description for the new position of Payroll Administrator in the Finance Department. Due to the impending retirement of a Finance Clerk, the Finance

Director recommended this new position to provide continuity in the Finance Department since the Payroll Administrator will act as his assistant and oversee many financial operations during his absence. As noted previously, the position is unclassified and the individual selected will serve at the will of the Finance Director.

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

No: None

Motion carried.

**Ordinance No. 22-08 adopted.**

Ordinance No. 22-09, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE CLERK - ACCOUNTS RECEIVABLE AND ESTABLISHING THE QUALIFICATIONS FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

This legislation will adopt the job description for the position of Finance Clerk, Accounts Receivable. As noted above, a Finance Clerk will retire from the Finance Department which initiated the Finance Director to review his department's structure. He determined that the part-time Finance Clerk in charge of accounts receivable would be expanded to a full-time position and placed in the bargaining unit. Thereafter, the Civil Service Commission reviewed the job description and recommended it as classified, and the Human Resources Committee confirmed the recommendation.

Ordinance No. 22-10, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-10. This legislation will authorize the Mayor to execute a personal services agreement with HzW Environmental Consultants, LLC of Mentor, Ohio to monitor the closed landfill in an amount not to exceed \$73,200.

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

No: None

Motion carried.

**Ordinance No. 22-10 adopted.**

Ordinance No. 22-11, AN ORDINANCE AWARDING A CONTRACT FOR THE INSTALLATION OF FENCING AT BLESER PARK AND DECLARING AN EMERGENCY, was read by title only.

This legislation will award a contract to Columbia Fence of Columbia Station, Ohio in the amount of \$34,300 for the purchase and installation of 980 feet of fencing at Bleser Park along the Heider Creek from Electric Boulevard to the pumping station on Lake Road.

## **PUBLIC INPUT**

Chris Quinlan, 73 Community Drive, Avon Lake asked for the location of the fence to be installed in Bleser Park. In response, Mrs. Fenderbosch stated that it will run along Heider Creek near the Renew ALPS site.

Ryan McDavid, 232 Jaycox Road, Avon Lake asked if the Mayor or City Council knew of the hiring plans of local workers by Charah Solutions when they demolish the Power Plant.

In response, Mayor Zilka stated that he is unaware of the specifics of the demolition plans other than they have informed the City that they will hire 75% locally, and it is assumed to be Northeast Ohio. Further discussions and possibly more details will be provided when the property is transferred.

Mr. McDavid asked if there is a plan to ensure that the removal of asbestos is done correctly and how the demolition will affect the paving project on Lake Road.

In response, Public Works Director Reitz stated that since this is an industrial site, the testing and disposal processes will be reviewed by the EPA. The paving project on Lake Road will begin in September, and the City will require all trucks involved in the demolition project to use an alternate route.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:07 P.M.

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

Attest: /s/Valerie E. Rosmarin  
Clerk of Council