

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 14, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on February 14, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos 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; and Clerk of Council Valerie Rosmarin.

Absent: Finance Director Presley and Public Works Director Reitz.

APPROVAL OF MINUTES

The minutes of the January 24, 2022 Council Meeting and January 31, 2022 Special Council Meeting were approved as prepared and published.

CORRESPONDENCE

An email was received from Jim Gamellia requesting Council suspend the rules for three readings on an emergency basis for Ordinance No. 22-18, approving the Site Improvement Plans for Sandridge Subdivision.

MAYOR'S REPORT

Avon Lake experienced another snow event and the Public Works Department staff has been busy removing snow. The need to keep sidewalks clear of snow is important for safe travel and many residents have raised concerns about their neighbor's failure to shovel their sidewalks. Property owners are required by the City code to keep their sidewalks clear although some are unable due to physical limitations or their age. Perhaps other residents could be considerate and help their neighbors in need. Unshoveled sidewalks in the City have become a problem, and it is hard to enforce. By the time a property owner is notified to shovel their sidewalk by a certain date, the snow could be gone. Further discussions will be held with Chief Molnar on how the City should proceed with these types of situations.

The Environmental Affairs Advisory Board is conducting an Environmental Survey. The survey is available on the City's website (www.avonlake.org) until February 28th. The purpose of the survey is to learn what environmental issues residents are concerned about. Approximately 400 people have participated.

The City is conducting a Bicycle Survey to obtain feedback from cyclists which will help develop improvements to make Avon Lake a bike-friendly community. The survey is available on the City's website (www.avonlake.org) until February 28th.

The City's Virtual Ward Meeting was held on February 8th. The public was able to view the meeting on Facebook, the City's website, and Twitter. The video recording has counted 364 views. The recording is still available on the City's website.

COUNCIL PRESIDENT'S REPORT

In observation of President's Day, the Collective Committee Meeting will not be held on Monday, February 21st. It has been rescheduled for Tuesday, February 22nd at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, February 28th at 7:00 p.m. in the Council Chamber.

PUBLIC WORKS DIRECTOR'S REPORT

Mayor Zilka reported that Public Works Director Reitz is on vacation and Engineering Technical Aid Kelly Marton has been overseeing the engineering tasks during his absence. She met with a developer last week to resolve an issue and has done a great job managing the engineering section of the Public Works Department.

BUILDING AND UTILITIES COMMITTEE REPORT

Mr. Spaetzel reported that the Building and Utilities Committee met on February 10th and two pieces of legislation will be presented tonight. Further information will be provided after the reading.

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

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

The next meeting of the Communication, Environmental, and Recreational Programming Committee will be held Tuesday, February 22nd at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held Monday, February 28th at 6:00 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the Human Resources Committee meeting held earlier. The following items were discussed: 1) the appointment of Carla Teter as the Front Desk Assistant; 2) an increase in wages (from Step 2 to Step 4) for Recreation Program Manager Jacqui Hoffman; 3) a Memorandum of Understanding to appoint a Public Works Equipment Operator before the Public Works Department Operational Study is completed; 4) the job description for the Accounts Receivable Clerk, and 5) a 15% differential for the Fire Chief salary and the Assistant Fire Chief salary was approved by a vote of 3-0.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be held Wednesday, February 16th at 6:00 p.m. in the Council Chamber. The Safety Center Campus addition and renovations will be discussed.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held Thursday, February 24th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held Tuesday, March 1st 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, February 23rd 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, March 23rd at 5:30 p.m. at the Lake House.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mrs. David reported on the meeting of the Environmental Affairs Advisory Board held February 9th. The members of the Board offer a wide range of experience, and one of the newest members is an expert in groundwater and environmental issues. His knowledge will be important for the City during the remediation of the Power Plant, along with the other industry partners on the Board. For more information on the Environmental Survey, the public can listen to the Avon Lake Matters Podcast on February 18th.

The next meeting of the Environmental Affairs Advisory Board will be held on March 2nd at 6:30 p.m. at the Lake House.

Mayor Zilka stated that he attended the Board's meeting last week and thought the discussion was very impactful. Mr. Scott Cameron, an industry representative from GenOn and employee at the Power Plant for the past 27 years, offered his insight on its demolition. Due to his knowledge of the plant, he will continue to work there during the demolition phases. Mr. Rob Shahmir, the newest Board member, has an incredible background in groundwater and has worked in many regions around the world. He is very perceptive and knowledgeable and will be a tremendous asset to the Board.

MOTION

Mrs. Fenderbosch moved to authorize the Public Works Department to advertise for bids for the Fish Cleaning Station at Miller Road Park.

The building plans for the Fish Cleaning Station have been prepared by the architect, and advertising for the bids for construction is the next phase. The construction for the station will be funded entirely by ODNR.

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

No: None

Motion carried.

LEGISLATION

Second Readings:

Ordinance No. 22-09R, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE CLERK - ACCOUNTS RECEIVABLE AND ESTABLISHING THE QUALIFICATIONS AND DUTIES 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 recommended by the Human Resources Committee. It was declared to be a classified position by the Civil Service Commission.

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.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-11. 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.

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

No: None

Motion carried.

Ordinance No. 22-11 adopted.

First Readings:

Ordinance No. 22-12, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH JONES & HENRY LTD. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-12. This legislation will approve a change order to the contract with Jones & Henry Ltd. of Toledo, Ohio for the Central Avon Lake Drainage Project (CALDP) Phase 2 project for an amount not to exceed \$57,000. The project was designed in 2017, and two subdivisions were added. Therefore, additional design work was requested to update current field conditions requiring easements to help finalize the bid documents. The estimated project cost is approximately \$848,000 of which \$390,000 will be funded by the Ohio Public Works Commission.

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

No: None

Motion carried.

Ordinance No. 22-12 adopted.

Ordinance No. 22-13, AN ORDINANCE AWARDED A CONTRACT FOR THE 2022 WATERLINE BUNDLE PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-13. This legislation will award a cooperative bid project with Avon Lake Regional Water that includes projects for

ALRW and the Public Works Department to Underground Utilities, Inc. of Monroeville, Ohio at a cost of \$2,792,610.54. The project will upgrade all the utilities for stormwater and sanitary on Armour Road between Lake Road and Electric Boulevard and Coveland Drive.

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

No: None

Motion carried.

Ordinance No. 22-13 adopted.

Ordinance No. 22-14, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY PARKPLAY SOLUTIONS, LLC, CASE NO. 22CV205108 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-14. This legislation will provide the City with legal defense by Seeley, Savidge, Ebert & Gourash Co., LPA of Westlake, Ohio in the amount not to exceed \$25,000 for an action filed by ParkPlay Solutions, LLC.

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

No: None

Motion carried.

Ordinance No. 22-14 adopted.

Ordinance No. 22-15, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF CARLA TETER TO THE POSITION OF FRONT DESK ASSISTANT, ESTABLISHING THE RATE OF 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: Kos, O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-15. This legislation will confirm the Mayor's appointment of Carla Teter as the Front Desk Assistant at the hourly rate of \$18.50/hour effective February 15, 2022.

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

No: None

Motion carried.

Ordinance No. 22-15 adopted.

Ordinance No. 22-16, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO HUSTLER HYPERDRIVE MOWERS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-16. This legislation will authorize the purchase through the Cooperative Purchasing Program of two Hustler Hyperdrive mowers from Baker Vehicle Systems, Inc. of Macedonia, Ohio for the amount not to exceed \$26,659.

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

No: None

Motion carried.

Ordinance No. 22-16 adopted.

Ordinance No. 22-17, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH CLARK & POST ARCHITECTS, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-17. This legislation will approve the change order with Clark & Post Architects, Inc. of Lorain, Ohio in the amount not to exceed \$16,200 to modify the expansion plans of City Hall by separating the design of the northern stairwell. Since the expansion plans for City Hall will not occur due to the high cost of materials, the Administration plans to construct a stairwell on the north side of City Hall to allow employees on the first and second floor to safely exit the building in the event of an emergency. Therefore, this change order is necessary to pursue this project.

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

No: None

Motion carried.

Ordinance No. 22-17 adopted.

Ordinance No. 22-18, AN ORDINANCE APPROVING THE SITE IMPROVEMENT PLANS FOR SANDRIDGE SUBDIVISION AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve the Site Improvement Plans for Sandridge Subdivision consisting of 25 multi-family units on the west side of Avon Belden Road, south of Walker Road within an R-2 Multi-Family Residential District and approved by Planning Commission on February 1st with three waivers to accommodate a more appealing streetscape and to meet the goals of the Comprehensive Land Use Plan per the Equivalency Provision 1217.03(g) of the Planning and Zoning Code.

The three waivers approved by the Planning Commission were: 1) the subdivision met the Equivalency Provision 1217.03(g) for density that there can be more than five units per acre as stated in 1242.03; 2) the rear setback can be less than 35 feet to the adjacent non-residential property as stated in 1242.04, and 3) the building spacing can be less than 40 feet between buildings as stated in 1242.05.

Ordinance No. 22-19, AN ORDINANCE SETTING THE SALARY FOR THE POSITION OF ASSISTANT FIRE CHIEF, REPEALING ORDINANCE NO. 117-2015, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will set the salary of the Assistant Fire Chief at a 15% differential from the highest-paid Captain as recommended by the Human Resources Committee and the Fire Chief.

Ordinance No. 22-20, AN ORDINANCE SETTING THE SALARY FOR THE POSITION OF FIRE CHIEF AND DECLARING AN EMERGENCY, was read by title only.

This legislation will set the salary of the Fire Chief at a 15% differential from the Assistant Fire Chief as recommended by the Human Resources Committee and the Fire Chief.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 7:37 P.M.

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

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