

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 28, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on February 28, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Council President O'Donnell 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.

APPROVAL OF MINUTES

The minutes of the February 14, 2022 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

A resident of Meadow Vistas on Lear Road contacted Mayor Zilka about the difficulties he is experiencing when traveling in his wheelchair. Meadow Vistas is a facility whereby disabled adults live independently. He informed the Mayor that the City's Community Van cannot accommodate his electric wheelchair due to its weight, and he is unable to take advantage of this City service. He also voiced frustration when residents do not clear the snow off their sidewalks preventing him from traveling on Lear Road. As reported previously, residents must clear their sidewalks to allow their fellow neighbors to travel safely on foot or other modes of transportation, such as wheelchairs.

Residents 50 years and older can participate in the Mind Challenge. Teams of six compete against other teams from 45 cities in Northeast Ohio vying for cash prizes for their senior center. Last year, two teams from Avon Lake competed in the finals. Unfortunately, they faced off, and one was eliminated. The other team came in fourth place and won \$500 for the City's senior center. Broadview Heights won \$2,500, Willoughby Hills won \$1,500, and Twinsburg \$1,000. The team formation round is Monday, May 9th at 1 p.m. at the Lake House.

The City of Avon Lake competed with the City of Avon in the 2020 Census Complete Count Committee Championship. Avon Lake won by less than one-half percent. The census participation rate of residents in Avon Lake was 83.6%. Residents in Avon are conscientious citizens, who have helped the community by supporting the paramedic levy (87%) and the library levy (86.7%) along with being fully vaccinated (85%).

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, March 7th at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, March 14th at 7:00 p.m. in the Council Chamber.

Applications to nominate the Citizen of the Year and the Project of the Year for 2021 are available on the City's website and at City Hall. The deadline is April 1st.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Reitz reported that the pre-construction meeting for the Culvert Replacement ODOT Project on SR 83, in front of Avon Lake High School, was held. ODOT will begin clearing trees in March, and Columbia Gas will relocate the gas line in April. The construction will begin June 13th and SR 83 will be closed for 60 days. The Law Director negotiated the final easement of the old water tower property on the west side of SR 83. City Council and the public will be updated as the project begins.

Council President O'Donnell asked for an update on the Walker Road Retention Basin Project and noted that the problem not only consists of the contractor's inability to properly seed and grade the basin but the damage to the driveway. The contractor's failure to restore the driveway is very disappointing. It was previously reported that Marks Construction met with representatives from the cities of Avon Lake and Bay Village to resolve the dispute over two months ago and residents are still experiencing difficulties driving on the damaged road whenever they visit the park. The Law Director finally received a 14-page response on February 4th. Marks Construction should take responsibility for the damage their trucks created.

Public Works Director Reitz stated that Marks Construction approached the City for a \$60,000 change order to restore soil to the basin, and the City requested repairs to the driveway, the re-seeding and grading of the basin along with the removal of standing water. The cost to repair the driveway base and asphalt has been placed in the 2022 Asphalt Street Program.

In response to Council President O'Donnell, Law Director Ebert stated that the City can repair the driveway and bill Marks Construction. He anticipates meeting with Bay Village to review the contractor's response.

In response to Mr. Zuber, Public Works Director Reitz stated that the City has retained \$80,000 on the contract. Also, he noted that Marks Construction was supposed to install an earthen rim but failed to do so.

Council President O'Donnell reiterated that a quick resolution is needed. The public will soon be visiting the park, and the current condition is a poor reflection on the City's ability to prepare the park for the public's use.

BUILDING AND UTILITIES COMMITTEE REPORT

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

Mrs. David reported on the results of the Communications, Environmental, and Recreation Programming meeting held on February 22nd. The following topics were discussed: 1) the Personal Services Agreement with Simvay Systems for Enterprised Managed Technology Services for the City's IT systems at City Hall, Municipal Court, Fire Department, and the Police Department for a two-year term effective April 1, 2022; 2) the time frame for the Office 365 Migration; 3) the Environmental Affairs Advisory Board Environmental Survey; and 4) the re-branding of the Lorain County Pride Day to the Lorain County Beautiful Day on Saturday, May 21st.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held Monday, March 7th at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE REPORT

Council President O'Donnell reported on the Finance Committee meeting held earlier. The following topics were discussed: 1) Moore Road Paving Project; 2) the Purchasing Procedures; and 3) the funding of the renovations to the Safety Center and the new Fire Station.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held Monday, March 14th at 6:00 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the Public Safety and Health Committee meeting held February 16th. The following topics were discussed:

1) the Safety Center renovations and new Fire Station. This was previously debated by the Committee and moved to City Council to request the Lorain County Auditor to determine the millage for a levy. Then City Council and the Administration

recognized the current economy in the country and decided to reduce the projected costs. A new, trimmed-down proposal that will meet the needs of the Fire and Police Departments was designed by the architects and recommended by the Committee. The revised design will be presented by Fire Chief Betsa and Police Chief Molnar at a Work Session on March 7th. The original estimate was \$35 million, and the revised design is estimated at \$18 million, plus soft costs and contingency fees totaling \$23 million.

2) the modification of the Computer Aided Dispatch (CAD) Record Management System Agreement transferring the account from New World to Tyler Technologies. The Committee passed two motions, one for the Police Department and another one for the Fire Department. After review by the Law Director, he determined that the Mayor only has to sign one agreement on behalf of the Police Department. The Fire Chief can sign the policy guidelines of the Lorain County 911 Agency.

The next meeting of the Public Safety and Health Committee will be held Wednesday, March 16th at 6:00 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held Wednesday, March 9th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The Planning Commission canceled the March 8th meeting due to a lack of agenda items.

The next meeting of the Planning Commission will be held Tuesday, April 5th at 7:00 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on February 23rd: Initially, there were five items on the agenda but two were removed based on the new Planning & Zoning Code and the requests were granted. The remaining items were approved as follows: 1) a variance to permit construction of a 1,000 sq. ft. detached accessory building in the rear yard of 247 Hermann Drive; 2) a variance to construct an addition to the current garage at 32878 Electric Boulevard; and 3) a variance to construct a pool entirely in the rear yard at 745 Oakmont Drive.

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.

CITIZENS TREE COMMISSION REPORT

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

AVON LAKE HISTORICAL PRESERVATION COMMISSION REPORT

Mr. Kos reported on the Avon Lake Historical Preservation Commission meeting held February 23rd. The following actions occurred: 1) Deb Beard was re-elected as Chair of the Commission and Sandy Garrett was elected as Secretary; 2) the Commission did not support the donation of the entire contents of the Trolley Museum at Beach Park Station but recommended that the City review its contents with a historical expert in the field of train memorabilia to determine which items would be accepted as a donation.

MOTION

Mrs. Fenderbosch moved to authorize the advertisement for Requests for Proposals (RFP) for a Grant Writer for the Bilateral Infrastructure Law (BIL) grants.

The Federal government has provided many municipalities, counties, and states with the opportunity to obtain funding for infrastructure. To qualify for this funding, a grant writer, who understands transportation and structure, is needed. Therefore, the City will advertise for an RFP to obtain a grant writer on behalf of the citizens in Avon Lake.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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.

Mr. Zuber moved for passage of Ordinance No. 22-09R. This legislation will adopt the job description for the position of Finance Clerk, Accounts Receivable as recommended by the Human Resources Committee. This position is part-time, and the Finance Director negotiated with Union representatives to create a full-time position which was recommended to the classified service by the Civil Service Commission.

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

No: None

Motion carried.

Ordinance No. 22-09 adopted.

Second Readings:

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

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-18. 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.

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

No: None

Motion carried.

Ordinance No. 22-18 adopted.

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.

First Readings:

Ordinance No. 22-21, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY LLC FOR ENTERPRISE MANAGED TECHNOLOGY SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute an agreement with Simvay LLC of Westlake, Ohio for Enterprise Managed Technology Services for City Hall, the Municipal Court, and the Fire Department at the monthly fee of \$4,150 effective April 1, 2022 to March 31, 2024. The services include onsite help two days a week plus maintenance and upgrades to the City's software and hardware systems to secure all equipment.

Ordinance No. 22-22, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY LLC FOR ENTERPRISE MANAGED TECHNOLOGY SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute an agreement with Simvay LLC of Westlake, Ohio for Enterprise Managed Technology Services for the Police Department at the monthly fee of \$3,200 effective April 1, 2022 to March 31, 2024. The services include onsite help two days a week plus maintenance and upgrades to the City's software and hardware systems to secure all equipment.

Ordinance No. 22-23, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS FOR THE INSTALLATION OF UPDATED COMPUTER AIDED DISPATCH, RECORD MANAGEMENT SYSTEM, AND MOBILE COMPUTING PLATFORM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 22-23. This legislation will authorize the Mayor to enter into a Memorandum of Understanding with the Lorain County Board of Commissioners for Computer Aided Dispatch (CAD) Record Management System with Tyler Technologies.

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

No: None

Motion carried.

Ordinance No. 22-23 adopted.

Ordinance No. 22-24, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO BARRACUDA III FISH GRINDERS MODEL 60115 FOR THE FISH CLEANING STATION AT MILLER ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-24. This legislation will authorize the purchase of two Barracuda III fish grinders for the Fish Cleaning Station at Miller Road Park from Electric Pump Inc. dba Quality Machine and Manufacturing of DesMoines, Iowa through the State Cooperative Program in the amount of \$119,300 plus \$1,800 shipping.

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

No: None

Motion carried.

Ordinance No. 22-24 adopted.

Ordinance No. 22-25, A RESOLUTION TO EXPRESS SUPPORT OF COMPLETE STREETS PRINCIPLES, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-25. This legislation will support Complete Street Principles which are required for municipalities to be eligible for NOACA grants.

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

No: None

Motion carried.

Ordinance No. 22-25 adopted.

Ordinance No. 22-26, AN ORDINANCE AWARDED A CONTRACT FOR THE 2022 ASPHALT STREET PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-26. This legislation will award a contract for the 2022 Asphalt Street Program to Barbicas Construction of Akron, Ohio in the amount of \$530,285.64.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Ordinance No. 22-26 adopted.

Ordinance No. 22-27, AN ORDINANCE AWARING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-27. This legislation will award a contract for the Miller Road Park Sand Dredging Project to Huffman Equipment of Eastlake, Ohio in the amount of \$68,950.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Ordinance No. 22-27 adopted.

Ordinance No. 22-28, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT TO PURCHASE PERMANENT PARCEL NUMBER 04-00-017-102-212 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a purchase and sale agreement to purchase Permanent Parcel No. 04-00-017-102-212 in the amount of \$130,000. This parcel is located on Pin Oak Parkway, and its acquisition will allow the City access to the Central Avon Lake Drainage Project (CALDP) thereby saving \$450,000 for 1,600 feet of pipe which would have had to be installed around the property. The City has attempted unsuccessfully to purchase an easement in this area for many years, and it is now available due to the passing of one of the owners.

EXECUTIVE SESSION

Mrs. Fenderbosch moved to adjourn to Executive Session in compliance with Ohio Revised Code Section 121.22(G), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the promotion of a public employee.

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

No: None

Motion carried.

Adjournment: 7:56 P.M.

RECONVENING OF COUNCIL MEETING

The Council Meeting was reconvened at 8:39 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; and Finance Director Presley.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:39 P.M.

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

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