

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

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

Mr. Arnold 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; Public Works Director Reitz; and Clerk of Council Valerie Rosmarin.

Absent: Finance Director Presley.

APPROVAL OF MINUTES

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

MAYOR'S REPORT

Avon Lake High School students, Amelia Von Glahn and Erin Robert, and two students from Huron City High School and Sandusky High performing as Seeing Scarlet, competed with seven finalists at the 25th Tri-C High School Rock Off held at the Rock and Roll Hall of Fame and were awarded the title of the best "Band in the Land."

Lorain County Chamber of Commerce posted the 2022 list of responsible companies reported in Newsweek and Statista. The ranking was on the holistic view of corporate responsibilities with a focus on the environment, social responsibility, and corporate governance. Locally, Avient™ has been a responsible corporate entity in Lorain County. Most recently, they participated in a Transportation Pilot Program for the Lorain County Urban League hiring events in the cities of Lorain and Elyria. The pilot program included transportation to and from work and was sponsored by the Chamber of Commerce, the United Way, and the Ohio Means Jobs Lorain County.

On the morning of March 13th, Dawn Dayton of Elyria was driving on Webber Road to visit her parents in Avon Lake when she encountered an individual in the roadway. The individual was a patient at a nearby residential care facility who left the facility and was unable to find her way back. She was not dressed for the 14-degree temperature and was at risk of being struck by passing vehicles. Dawn stopped to render aid and called 911. She stayed until the Avon Lake Fire Department arrived to begin patient care. Her actions contributed to saving the life of this individual and the City is truly grateful for her efforts.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, April 4th at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, April 11th at 7:00 p.m. in the Council Chamber.

PUBLIC WORKS DIRECTOR'S REPORT

The Public Works Department weekly update was previously distributed to Council.

Public Works Director Reitz reported that bids for the Miller Road Park Fish Cleaning Station were opened. ODNR was notified that the bids were opened, and the City was moving forward with the project. Based on the bids received, ODNR has agreed to provide the City with an additional \$80,000 in grant funding to cover ad alternatives that were requested. The City is working with ALRW to install the grinder pump for the facility. A meeting with ODNR will be held in two weeks to review the project and discuss any additional items. An amendment to the grant will be received which will be reviewed by the Law Director and the Finance Director.

LAW DIRECTOR'S REPORT

Law Director Ebert reported that the court ruled in favor of ParkPlay Solutions, LLC in their litigation against the City. He voiced his respect for the decision but disagrees with it and an appeal was filed on March 25th. The City is evaluating other options to move forward with the project, and he will report after a decision has been made.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held Thursday, April 14th at 6:00 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held Monday, April 25th at 6:00 p.m. in the Council Chamber.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held Monday, April 4th at 6:00 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported that a special meeting of the Human Resources Committee was held earlier to confirm the Mayor's appointment of Erin Fach as the new Recreation Director. This appointment and the resignation of Recreation Director Tim Pinchek will be presented later.

The next meeting of the Human Resources Committee will be held Monday, April 11th at 6:00 p.m.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the results of the Public Safety and Health Committee meeting on March 16th. All items were discussed and forwarded to this agenda except for legislation prohibiting the discharge of fireworks in the City. Recently, the State of Ohio passed an ordinance permitting the use of fireworks in municipal city limits for a maximum of 12 days per calendar year. However, cities are permitted to enact legislation to maintain their prohibition. A draft of the legislation was prepared by the Law Director and awaits the final review of other department directors.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held Wednesday, April 13th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

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 March 23rd: 1) an area variance was granted to construct a 16' x 20' accessory building in the same location that a swing set was previously located with the condition that landscaping is installed behind the shed at 32631 Mariners Court; 2) an area variance was granted to install a 4-foot ornamental aluminum fence that will be located in the Lear Road front yard at 33019 Liberty Rose; 3) an area variance was granted to construct a new dwelling on a vacant lot on Highland Avenue, and 4) an area variance was granted to construct a 6-foot fence in the rear yard at 137 Fay Avenue.

PARKS AND RECREATION COMMISSION REPORT

The next meeting of the Parks and Recreation Commission will be held Wednesday, May 24th at 5:30 p.m. at the Lake House.

CITIZENS TREE COMMISSION

Mrs. Fenderbosch reported that the Citizens Tree Commission will distribute tree saplings to every 5th grader at Troy Intermediate School on Friday, April 29th in recognition of the 150th anniversary of Arbor Day. Lubrizol Corporation donated the funds to purchase the native tree, Swamp White Oak. An educational program will be introduced by the teachers before the event.

MOTIONS

Mr. Kos moved to accept the donation of two AEDs (Automated External Defibrillators) from residents Ron and Marilyn Sommer. The value of two AEDs is \$9,600. The Sommers also donated an AED to the library and the Good Neighbor Thrift Shop on Lear Road. The City appreciates the Sommers' generosity and concern for the well-being of Avon Lake residents.

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

Mr. Kos moved to accept the donation of one Lucas 3 Chest Compression System from University Hospitals. This device provides steady chest compressions when placed on a patient and gives paramedics additional support as they administer aid. The value is \$15,000. The City appreciates University Hospital's generosity.

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

Mr. Kos moved to authorize the purchase of docking stations and MDTs (Mobile Data Terminals) for five police vehicles from Group Mobile International, LLC of Scottsdale, Arizona in the amount of \$14,954.50. This purchase will upgrade outdated equipment that is standard in police vehicles.

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

Mr. Kos moved to authorize changeovers for the 2022 Utility Interceptor K-9 police vehicle from Hall Public Safety Upfitters of Alliance, Ohio in the amount of \$14,209.86. These changeovers will provide the new police vehicle with required equipment and equipment needed for the new K9.

Mr. Kos moved to authorize changeovers for the 2022 Utility Interceptor police vehicle from Hall Public Safety Upfitters of Alliance, Ohio in the amount of \$14,109.45. These changeovers will provide the new police vehicle with required equipment.

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

Mr. Kos moved to authorize the purchase of three solar-powered radar signs from A & A Safety of Amelia, Ohio in the amount of \$13,515. The Police Chief recommended the purchase of additional radar signs because they are very effective in bringing public awareness of speed limits and a driver's current speed. It also collects speed data for future analysis.

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

Mr. Zuber moved to accept the resignation of Recreation Director Tim Pinchek effective April 7, 2022. After serving as the Recreation Director for six years, Mr. Pinchek decided to accept a position in the City of North Olmsted.

Mayor Zilka acknowledged and thanked Mr. Pinchek for his leadership and efforts to grow the Recreation Department and provide the residents with new programming and opportunities for the community. He was successful in obtaining grant funding for a variety of projects, such as the new basketball court at Bleser Park and a new fitness court for Weiss Field.

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

Mrs. Fenderbosch moved to authorize a change in the Planning & Zoning Code Chapter 1222.06 Development Standards, Table 1222-2 Maximum Density of Low-Density Residential from 2.0 units per acre to 2.5 units per acre due to a typographical error. After the new Planning & Zoning Code was approved, an error was discovered and this motion will correct the error.

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

LEGISLATION

Second Readings:

Ordinance No. 22-30, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 252, PURCHASING PROCEDURES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend Chapter 252, Purchasing Procedures recommended by the Finance Director and approved by the Finance Committee.

Ordinance No. 22-33, AN ORDINANCE CONFIRMING THE APPOINTMENT OF ALEXANDER YENNI AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-33. This legislation will confirm the appointment of Alexander Yenni as a Laborer in the Public Works Department at the Step 1 salary of \$25.44/hour effective April 4, 2022.

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

No: None

Motion carried.

Ordinance No. 22-33 adopted.

First Readings:

Ordinance No. 22-35, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT TO SELL PERMANENT PARCEL NO. 04-00-008-104-072 AND PERMANENT PARCEL NO. 04-00-008-104-076 AND REPEALING ORDINANCE NO. 21-72 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 22-35. This legislation will authorize the sale of properties the City acquired through the Lorain County land bank and repeal Ordinance No. 21-72. Last year, Ordinance 21-72 was approved to sell these parcels but the sale did not occur. Chris Haas of Pin Oak Parkway LLC offered to purchase these parcels for \$75,000 to expand his business because they are adjacent to his property. During the closing process, wetlands were discovered. He is still interested but the wetlands will need to be mitigated. Therefore, he asked if the City would agree to reduce the purchase price to \$25,000 to offset the cost of the mitigation.

Mayor Zilka noted that these parcels were acquired from a Sheriff's Sale, and the City will still receive a profit from this sale and will benefit when the business expands and additional jobs are created.

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

No: None

Motion carried.

Ordinance No. 22-35 adopted.

Ordinance No. 22-36, AN ORDINANCE APPROVING WAGE INCREASES FOR THE AVON LAKE MUNICIPAL COURT PERSONNEL AND DECLARING AN EMERGENCY, was ready by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-36. This legislation will approve wage increases for the Avon Lake Municipal Court personnel as ordered by Judge Bilancini, as follows: 9.5% effective March 28, 2022 and 3% effective July 1, 2022.

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

No: None

Motion carried.

Ordinance No. 22-36 adopted.

Ordinance No. 22-37, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF STACEY ZIGMAN AS A PART-TIME POLICE DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-37. This legislation will appoint Stacey Zigman as a part-time Dispatcher/Records Clerk in the Police Department at Step 1 hourly rate of \$21.21 effective March 28th. Ms. Zigman has prior experience as a Dispatcher and is on the civil service eligibility list for the full-time position.

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

No: None

Motion carried.

Ordinance No. 22-37 adopted.

Ordinance No. 22-38, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF COCO WATSON AS A PART-TIME POLICE DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 22-38. This legislation will appoint Coco Watson as a part-time Dispatcher/Records Clerk in the Police Department at Step 1 hourly rate of \$21.21 effective March 28th. Ms. Watson is currently employed as a part-time Diversion Specialist with the Lorain County Domestic Violations Court, a part-time Dispatcher at Sheffield Village, and a Campus Security Guard at Lorain County Community College.

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

Ordinance No. 22-38 adopted.

Ordinance No. 22-39, AN ORDINANCE TO FURNISH THE CITY OF AVON LAKE WITH A DUAL-PURPOSE POLICE SERVICE DOG FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Kos moved for passage of Ordinance No. 22-39. This legislation will supply the City with a dual-purpose service dog (K9) and handler training for the Police Department from Dan Bowman of Gold Shield Training LLC of Pataskala, Ohio in the amount of \$16,750. Since the current K9, Addie, will retire from service, Officer Jared Rudduck will no longer serve in that role and Officer Nick Blankenship was selected as the new handler for the new K9 the City will acquire.

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

Ordinance No. 22-39 adopted.

Resolution No. 22-40, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to apply for OPWC State funding for capital improvement and/or transportation improvement projects.

Mr. Zuber asked if the funds received through the OPWC application will be used for the Walker Road Paving Project (SR 83 to Jaycox Road) along with the ad alternatives for Walker Road and other asphalt projects.

Public Works Director Reitz responded that this Resolution will authorize the City to apply, and the projects it will fund are dependent on the bids received. The Administration and Council will have further discussion on all Walker Road projects.

Ordinance No. 22-41, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-41. This legislation will permit the Finance Director to transfer funds totaling \$1,105,416.66 for the months of April, May, and June as follows:

\$708,333.33 General Fund;
\$208,333.33 Income Tax Improvement Fund;
\$145,833.33 General Bond Retirement Fund;
\$ 42,916.67 Recreation Fund

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

No: None

Motion carried.

Ordinance No. 22-41 adopted.

Resolution No. 22-42, A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACT AWARDED IN 2022 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the City to purchase road salt through the ODOT Road Salt Program for 2022. By participating, the City will agree to purchase a minimum of 90% of the salt quantities requested during the contract's effective period. The Public

Works Director has recommended the City purchase 8,000 tons for the 2022/2023 season.

Ordinance No. 22-43, AN ORDINANCE AWARDED A CONTRACT FOR THE 2022 CONCRETE STREET PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Ordinance No. 22-43. This legislation will award a contract to Set in Stone Concrete from Saville, Ohio in the amount of \$705,980 for the 2022 Concrete Street Program.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Motion carried.
Ordinance No. 22-43 adopted.

Ordinance No. 22-44, AN ORDINANCE AWARDED A CONTRACT FOR THE FISH CLEANING STATION AT MILLER ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

This legislation will award a contract to North Star Contracting of Cleveland, Ohio in the amount of \$386,265 to construct the Fish Cleaning Station at Miller Road Park.

Ordinance No. 22-45, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF ERIN FACH TO THE POSITION OF RECREATION DIRECTOR, 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-45. This legislation will confirm the Mayor's appointment of Erin Fach as the Recreation Director effective April 11th at the annual salary of \$90,000.

Mayor Zilka reviewed Mr. Fach's resume and offered his recommendation for his appointment.

Mr. Fach addressed Council and the public.

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

No: None

Motion carried.

Ordinance No. 22-45 adopted.

PUBLIC INPUT

Greg Beck, 722 Waterbury Court, Avon Lake, president of ParkPlay Solutions, addressed Council on the lawsuit he filed on behalf of his company against the City.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:01 P.M.

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

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