

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

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

Mr. Zuber 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 28, 2022 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka reported that Recreation Director Pinchek submitted a letter of resignation since he has accepted a position with the City of North Olmsted. In his letter, Director Pinchek thanked the community and his staff for their support during the last six years. He stated that his time with the City has been extremely rewarding, and it has been his pleasure to work for the City.

Director Pinchek's replacement will be pursued in the next few weeks.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, March 21st at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, March 28th 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 announced that the following bids will be opened soon:

1) Fish Cleaning Station; 2) Concrete Street Program, and 3) the Central Avon Lake Drainage Project (CALDP) Phase 2. Another project which will move forward is the repaving of Walker Road from SR 83 to Ambleside Drive.

Director Reitz stated that after Council approved the purchase of the fish grinders for the Fish Cleaning Station at Miller Road Park, his staff placed an order instead of waiting until the construction phase. This was a prudent measure as he learned municipalities are now experiencing delays in obtaining these grinders which may result in having a completed station without grinders.

MAYOR'S REPORT (continued)

Mayor Zilka stated that he received a second resignation letter from Public Works Director Reitz. In his letter, Director Reitz stated that after 34 years with the City, he would like to focus on his family. He expressed his gratitude and is honored to have had the opportunity to work on many significant projects on behalf of the City and its residents. His retirement will be effective May 10th.

A Senior Citizen Prom will be held on Friday, June 3rd from 5:00 p.m. to 9:00 p.m. at The Anchor. The prom is for members of the public age 55 years and over. The cost is \$10 per person, and it will include dinner, dancing, and door prizes. It is sponsored by the Recreation Department and NEO Healthcare of Bay Village.

Mayor Zilka attended the annual meeting of the Lorain County Public Health. He reviewed their annual report and listed the following statistics: the top cause of death for 2021 was heart disease (759), cancer (692), COVID-19 (482), accidental deaths (202), chronic lower respiratory disease (213), and stroke (192). Currently, Lorain County has 87 COVID-19 cases (60.4/100,000) in comparison with Cuyahoga County having 655 cases (53/100,000). Last year, the total COVID-19 deaths for Lorain County was 894. Also, Moderna (58%) was the number one vaccine administered, Pfizer (38%), Pediatric Pfizer (2%), and Johnson & Johnson (2%).

Opioid Addiction is still a major concern in Lorain County. Unfortunately, COVID-19 moved this addiction from the public's mind. It remains important, and efforts must continue to fight this battle.

LAW DIRECTOR'S REPORT

Law Director Ebert requested Council adjourn to Executive Session at the end of the meeting to discuss pending litigation with ParkPlay Solutions, LLC.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mrs. David reported that sharpshooters have culled 52 deer and donated all meat to area food organizations. To date, there have been 28 deer carcass pickups and 14

deer/motor vehicle accidents. All numbers are within the City's goals established by the Deer Management Program. Aerial surveys will be conducted of the white-tailed deer in the area to document the deer population and determine the locations in need of deer control next year.

Public Works Director Reitz stated that two property owners have applied for Deer Damage Control Permits with ODNR. Both owners have large properties on Walker Road. ODNR will assess these properties to determine if the permits are warranted and if so, they will issue tags. Then archers will go through the review process with the City and the Police Department before culling any deer. This process will continue through the summer.

In response to Council President O'Donnell, Director Reitz stated that sharpshooters culled deer at the following locations: Walker Road Park, the water tower property on Division Road, Weiss Field, City-owned property on Avondale Avenue, Resatar Park, and Kopf Reservation.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the results of the Economic Development Committee meeting on March 7th. The following items were discussed: 1) Sale of a vacant lot to 33625 Pin Oak Parkway LLC. Last year, the City negotiated the sale of a vacant lot adjacent to property owned by Pin Oak Parkway LLC, or Chris Haas, for \$75,000. Wetlands were discovered, and discussions to reduce the price to compensate for the wetlands issue were conducted; 2) Department name change of the Economic Development Department to the Community Development Department; and 3) Power Plant purchase update and the status of the Brownfield grant.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held Monday, March 21st 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) Public Works Laborer appointment of Alexander Yenni effective April 4, 2022; 2) Payroll Administrator appointment of Judith Jirka. Ordinance No. 22-31 will be removed because Ms. Jirka will not be hired on a part-time basis. She is now available to begin full-time employment effective March 14, 2022; 3) Part-time Dispatcher/Record Clerk appointments of Stacey Zigman and Coco Watson effective March 28, 2022; 4) Compensation of part-time employees who have been employed in the Police and Fire Departments for some time either based on total hours of employment or the number of years; and 5) an Executive Session was held to discuss compensation of public employees.

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

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 Thursday, March 24th 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

The next meeting of the Zoning Board of Appeals will be held Wednesday, March 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.

MOTIONS

Council President O'Donnell moved to designate Valerie Rosmarin as the Council representative for public records training. Mandatory records training is required of all elected officials during their term in office, and this designation will fulfill this requirement.

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

No: None

Motion carried.

Council President O'Donnell moved to designate Mary Krupar as the Mayor's representative for public records training. Mandatory records training is required of all elected officials during their term in office, and this designation will fulfill this requirement.

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

No: None

Motion carried.

LEGISLATION

Mr. Zuber moved to remove Ordinance No. 22-31. It was determined at the Human Resources Committee meeting that Ordinance No. 22-31, the hiring of a part-time Payroll Administrator, would be removed since the candidate selected for the position is available to begin working full-time.

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

No: None

Motion carried.

Third Readings:

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.

Mr. Zuber moved for passage of Ordinance No. 22-19. 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.

Yes: Zuber, David, Fenderbosch, Kos

No: Arnold, O'Donnell Spaetzel

Motion carried.

Ordinance No. 22-19 adopted.

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

Mr. Zuber moved for passage of Ordinance No. 22-20. 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.

Discussion

Mr. Spaetzel addressed his vote in opposition to Ordinance No. 22-19. He stated his support for pay increases for the Fire Chief and Assistant Fire Chiefs but proposed pay ranges are established instead of the 15% differential method. It was his opinion that department head salaries are tied indirectly to the department personnel salaries and their salaries should include performance, experience, education, knowledge, skills, and abilities. This legislation does not consider those qualities. It fixes the Fire Chief and Assistant Fire Chief's salary, and they will never receive a raise based on their job performance. Conversely, if the Fire Chief or Assistant Fire Chief is not effectively doing their jobs, they will still receive an automatic raise. A fixed-rate above the

collective bargaining unit does restrain Council and the Administration in their ability to provide raises, motivation, and performance, and it removes the ability to consider evaluations in that raise. Therefore, unintended consequences will be the result of this legislation.

Council President O'Donnell agreed with Mr. Spaetzel's comments. He stated that he did not object to increases in pay but opposed increases tied to the negotiation process which does not consider evaluations. The differential is a 6% increase through that negotiation, and a total increase of 9.2% by July 1, 2022. These are substantial increases, and there is uncertainty regarding pay increases for other administrators, such as the Police Chief. He would support pay ranges and recommended ranges be developed for Council to review. This legislation removes Council; and whenever there are negotiations, the Fire Chief and Assistant Fire Chief will benefit.

Mr. Zuber noted that Council supported the pay increase based on a percentage for the Recreation Director, Economic Development Director, and Digital Media.

Council President O'Donnell responded that those examples were not tied to contract negotiations and whatever occurs through arbitration will become automatic which is not comparable.

Mr. Arnold stated his opposition to the legislation was also due to the method of fixing the raises to the bargaining unit.

Mr. Kos stated that he supported Council considering a percentage or establishing a particular dollar amount for the increase. He noted that having a differential between leadership posts is important as it will prevent the salaries of subordinates from getting closer and will offer the pursuit of higher offices. The differential will avoid the past practice of reducing the distance in the salary between the ranks. When that distance was not retained, a substantial increase was required to re-establish it. By having a differential, the percentages will be automatic.

Yes: Zuber, David, Fenderbosch, Kos

No: Arnold, O'Donnell Spaetzel

Motion carried.

Ordinance No. 22-20 adopted.

Second 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.

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

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

No: None
Motion carried.

Mrs. David moved for passage of Ordinance No. 22-21. 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.

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

Ordinance No. 22-21 adopted.

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.

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

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

Mrs. David moved for passage of Ordinance No. 22-22. 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.

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

Ordinance No. 22-22 adopted.

First Readings:

Ordinance No. 22-29, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2022 AND DECLARING AN EMERGENCY, was read by title only.

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

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

Council President O'Donnell moved for passage of Ordinance No. 22-29. This legislation will allow the Finance Director to make supplemental appropriations for the Moore Road Paving Project, the acquisition of property on Pin Oak Parkway, and the allocation of funds to litigate the legal case regarding Avon Lake Play Space (ALPS).

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

No: None

Motion carried.

Ordinance No. 22-29 adopted.

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. 22-32, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF JUDITH JIRKA TO THE POSITION OF PAYROLL ADMINISTRATOR, 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: Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-32. This legislation will confirm the appointment of Judith Jirka to the position of Payroll Administrator at the salary of \$70,000 per year, payable bi-weekly, effective March 14, 2022.

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

No: None

Motion carried.

Ordinance No. 22-32 adopted.

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.

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.

Ordinance No. 22-34, 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: Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel
No: None
Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-34. 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: Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel
No: None
Motion carried.
Ordinance No. 22-34 adopted.

EXECUTIVE SESSION

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

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

Adjournment: 7:41 P.M.

RECONVENING OF COUNCIL MEETING

The Council Meeting was reconvened at 7:56 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; Public Works Director Reitz; and Finance Director Presley.

Mrs. Fenderbosch moved for adjournment.

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

Adjournment: 7:57 P.M.

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

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