

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
APRIL 11, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on April 11, 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 Rosmarin.

**APPOINTMENT OF FIREFIGHTER/PARAMEDIC**

Ordinance No. 22-48, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MATTHEW SULLIVAN AS FIREFIGHTER/PARAMEDIC IN THE FIRE DEPARTMENT 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. 22-48. This legislation will appoint Matthew Sullivan as Firefighter/Paramedic in the Fire Department at Step 3 bi-weekly salary of \$2,770.29 effective April 12, 2022. Mr. Sullivan was certified to the classified service by the Civil Service Commission earlier.

Yes: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Motion carried.  
**Ordinance No. 22-48 adopted.**

Law Director Ebert administered the Oath of Office to Matthew Sullivan.

**APPROVAL OF MINUTES**

The minutes of the March 7, 2022 Special Council Meeting were approved as prepared and published.

## **MAYOR'S REPORT**

Last week, newly appointed Recreation Director Erin Fach visited City Hall to get acclimated and met with staff. Today is his official first day in the position. Everyone is confident that they will work well together. Director Fach is an Avon Lake resident, and he is glad to be working in Avon Lake.

On April 4<sup>th</sup>, GenOn transferred the ownership of the power plant to Charah Solutions. The Administration held a Zoom conference with representatives from Charah Solution to discuss some issues. The City is working to resolve the issue of hiring local employees for the plant's demolition. There will be different phases of the demolition, and the City has been informed that additional workers will be hired. Several GenOn employees have been hired to help manage the transition and offer their knowledge and expertise on certain challenges the demolition will create, particularly with the removal of asbestos and other dangerous elements in the plant.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting will be held on Monday, April 18<sup>th</sup> at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, April 25<sup>th</sup> at 7:00 p.m. in the Council Chamber.

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

Public Works Director Reitz reported that Moore Road at Pin Oak Parkway is closed. Traffic can go south to Pin Oak Parkway to SR 83 for access to I-90 and traffic from the City of Avon via Moore Road will not have access to Pin Oak Parkway. Off-duty Police Officers are available at both locations to direct the traffic. The anticipated completion date for this roadwork is the end of the workday on Friday, April 15<sup>th</sup>.

Columbia Gas is working on SR 83 at Heider Creek. Traffic has been reduced to one lane. Off-duty Police Officers will direct the traffic until the work has been completed.

Additional updates for the Public Works Department were distributed to Council earlier.

## **BUILDING AND UTILITIES COMMITTEE REPORT**

The next meeting of the Building and Utilities Committee will be held Thursday, April 14<sup>th</sup> at 5:30 p.m. in the Council Chamber.

Mr. Spaetzel reported on the Bundle Projects as follows: 1) Avon Lake Regional Water has replaced the water lines on Armour Road and Avon Point Avenue, and Coveland Drive

is 50% completed. The lines will then be connected to the mainline and residential connections made. 2) The storm sewer work on Armour Road and Coveland Drive will begin May 2<sup>nd</sup>; and 3) The stormwater work on Armour Road will begin June 30<sup>th</sup>.

### **COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT**

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held Monday, April 25<sup>th</sup> 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, May 2<sup>nd</sup> at 6:00 p.m. in the Council Chamber.

### **FINANCE COMMITTEE REPORT**

The next meeting of the Finance Committee will be held Monday, April 18<sup>th</sup> at 6:00 p.m. in the Council Chamber.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the results of the Human Resources Committee meeting held earlier. The following items were discussed: 1) appointment of a Firefighter/Paramedic; 2) pay ranges for all employees and pay ranges for part-time Police Officers. Further discussion on this topic will occur at the next meeting, and 3) compensation of a public employee was discussed in Executive Session.

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

The next meeting of the Public Safety and Health Committee will be held Wednesday, April 20<sup>th</sup> 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, April 13<sup>th</sup> at 6:00 p.m. in the Council Chamber.

### **PLANNING COMMISSION REPORT**

Mrs. Fenderbosch reported on the Planning Commission meeting held April 5<sup>th</sup>. Three of the four cases will be presented at the Collective Committee Meeting on Monday, April 18<sup>th</sup>. The fourth case pertained to the enclosure of a ditch on Walker Road, which was approved by the Planning Commission subject to a review by the Finance Committee and the Building and Utilities Committee.

The next meeting of the Planning Commission will be held Tuesday, May 3<sup>rd</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, April 27<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, May 25<sup>th</sup> at 5:30 p.m. at the Lake House.

#### **CITIZENS TREE COMMISSION**

The next meeting of the Citizens Tree Commission will be held Wednesday, April 13<sup>th</sup> at 7:00 p.m. at the Old Firehouse and Community Center.

Mrs. Fenderbosch reported that the Commission will be finalizing plans to distribute Swamp White Oak tree seedlings to every 5<sup>th</sup> grader at Troy Intermediate School and St. Joseph's School on Friday, April 29<sup>th</sup>. The seedlings were donated by Lubrizol Corporation.

#### **ENVIRONMENTAL AFFAIRS ADVISORY BOARD**

Mrs. David reported that the Environmental Affairs Advisory Board will be distributing native plants to residents on Saturday, May 7<sup>th</sup> from 9 a.m. until noon at the Goddard School parking lot. This event is in conjunction with the Avon-on-the-Lake Garden Club annual plant sale.

#### **MOTIONS**

Mrs. Fenderbosch moved to advertise for bids to remove the pedestrian bridge over Heider Creek behind City Hall and install a new pedestrian bridge over Heider Creek west of the Old Firehouse and Community Center.

Mrs. Fenderbosch reported that the retaining wall along Heider Creek will be added to the bid request.

Council President O'Donnell asked Public Works Director Reitz for a timeline on the project. Public Works Director Reitz responded that engineering services for the design have been contracted, and he anticipates the bids will be advertised mid-summer.

Mrs. Fenderbosch moved to amend the motion to advertise for bids to remove the pedestrian bridge over Heider Creek behind City Hall and install a new pedestrian

bridge over Heider Creek west of the Old Firehouse and Community Center and the retaining wall along Heider Creek from Electric Boulevard to Lake Road.

*Roll Call to Amend the Motion:*

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

*Roll Call for the Amended Motion:*

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

Mrs. Fenderbosch moved to advertise for bids for LED lighting at Bleser Park. The City received NOPEC grant funding to replace lights in Bleser Park at the baseball fields and an add alternative at the tennis courts. The design services have begun and the advertisement for bids will occur in mid-May.

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

**LEGISLATION**

Third Reading:

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

Council President O'Donnell moved for passage of Ordinance No. 22-30. This legislation will amend Chapter 252, Purchasing Procedures recommended by the Finance Director and approved by the Finance Committee.

Yes: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Motion carried.  
**Ordinance No. 22-30 adopted.**

Second Readings:

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. The City plans to make capital improvements to its infrastructure.

Mr. Zuber stated that this legislation does not propose one particular project for the program. It is to obtain Issue 2 funding, and the City does not have to apply until September when the City will know what project the program should fund.

Public Works Director Reitz agreed and stated that this legislation only authorizes the Mayor to apply for funding. If the City receives the grant, then the Mayor will assign the project. This Ordinance does not commit the City to a specific project.

In response to Mrs. Fenderbosch, Public Works Director Reitz stated that the legislation is an emergency to begin coordinating the application and obtain estimates to meet the deadline in September.

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. 22-44, AN ORDINANCE AWARDED A CONTRACT 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-44. 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.

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

No: None

Motion carried.

**Ordinance No. 22-44 adopted.**

First Readings:

Ordinance No. 22-46, AN ORDINANCE AWARDED A CONTRACT FOR THE INSTALLATION OF SIDEWALKS 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. 22-46. This legislation will award a contract to T. Kendera Concrete, LLC of Avon Lake, Ohio in the amount of \$39,512 to install sidewalks on City-owned properties and two privately owned properties at 33126 Walker Road and 33380 Walker Road. The sidewalks will be installed in late May or early June.

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

No: None

Motion carried.

**Ordinance No. 22-46 adopted.**

Resolution No. 22-47, A RESOLUTION TO APPOINT A REPRESENTATIVE FOR THE CITY OF AVON LAKE TO THE LORAIN COUNTY BOARD OF HEALTH AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Resolution No. 22-47. This legislation will reappoint Edward McNamara as Avon Lake's representative to the Lorain County Board of Health for a five-year term effective April 1, 2022.

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

No: None

Motion carried.

**Resolution No. 22-47 adopted.**

Ordinance No. 22-49, AN ORDINANCE AWARING A CONTRACT FOR THE 2022 WATERLINE BUNDLE PROJECT, REPEALING ORDINANCE NO. 22-13, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-49. This legislation will award a contract for the 2022 Waterline Budget Project to Underground Utilities, Inc. of Monroeville, Ohio in the amount of \$7,078,013.18 and repeal Ordinance No. 22-13. The original legislation only identified the City's share of the cost of the project and not Avon Lake Regional Water's. The 20-year loan that Avon Lake Regional Water obtained requires the combined costs for the project. Therefore, Ordinance No. 22-49 will repeal and replace Ordinance No. 22-13.

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

No: None

Motion carried.

**Ordinance No. 22-49 adopted.**

#### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The Community Relations Board will meet Thursday, April 28<sup>th</sup> at 4:30 p.m. in the Council Chamber.

#### **EXECUTIVE SESSION**

In compliance with Ohio Revised Code Section 121.22(G)(1), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss pending litigation about Avon Lake Play Space.

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

No: None

Motion carried.

Adjournment: 7:36 P.M.

#### **RECONVENING OF COUNCIL MEETING**

The Council meeting was reconvened at 8:04 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; and Public Works Director Reitz.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:05 P.M.

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

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