

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MAY 9, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on May 9, 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 Steve Presley; Public Works Director Joe Reitz; and Clerk of Council Valerie Rosmarin.

APPOINTMENT OF FIREFIGHTER/PARAMEDIC

Ordinance No. 22-70, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRANDON SAUER 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: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-70. This legislation will appoint Brandon Sauer as Firefighter/Paramedic in the Fire Department at Step 1 bi-weekly salary of \$2,369.36 effective May 10, 2022. Mr. Sauer was certified to the classified service by the Civil Service Commission earlier.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.
Ordinance No. 22-70 adopted.

Law Director Ebert administered the Oath of Office to Brandon Sauer.

Ordinance No. 22-71, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRANDON BEMENT 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: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-71. This legislation will appoint Brandon Bement as Firefighter/Paramedic in the Fire Department at Step 3 bi-weekly salary of \$2,770.29 effective June 6, 2022. Mr. Bement was certified to the classified service by the Civil Service Commission earlier.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.
Ordinance No. 22-71 adopted.

Law Director Ebert administered the Oath of Office to Brandon Bement.

PROCLAMATION

Mayor Zilka presented Joe Reitz with a Proclamation to honor his 35-years of public service for the City of Avon Lake.

APPROVAL OF MINUTES

The minutes of the April 11, 2022 Council Meeting were approved as prepared and published.

CORRESPONDENCE

An email was received from Steve and Loretta Vass of 33246 Ambleside Drive, Avon Lake voicing their support of the LPR (License Plate Reader) cameras placed at City entrances.

MAYOR'S REPORT

A resident informed Mayor Zilka that she was very offended that cameras have been placed in Avon Lake recording people's movement around the City. She was assured that this practice is not uncommon and surrounding municipalities have cameras. Chief Molnar was given her phone number, and he was going to call her to explain why they were installed. Recorded data is not maintained beyond 30 days.

The Avon Lake Police Department will have a ceremony for Peace Officers Memorial Day on Monday, May 15th at 9 a.m. This service honors Law Enforcement Officers who have made the ultimate sacrifice in the line of duty and will acknowledge appreciation to those who currently serve the community with courage and dedication.

The Northcoast Business Expo was held on Thursday, May 5th at Aherns Banquet Center. The event was very successful and well attended.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, May 16th at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, May 23rd at 7:00 p.m. in the Council Chamber.

The Avon Lake Community Council selected Bucky Kopf as the 2021 Citizen of the Year and Project Drew as the 2021 Project of the Year. Project Drew was developed by Marilyn Zeidner, Director of Music with a Mission. The award ceremony will be held Thursday, May 19th at 6:30 p.m. at the Avon Lake Public Library, and it is open to the public. Also, Media Director Barb Cagley will be honored for her service to the 24 organizations in the Community Council. Over the past 12 years, Mrs. Cagley has helped to develop their websites and offered assistance with other technology.

MAYOR'S REPORT *CONTINUED*

The City received a \$1.1 million grant from the State of Ohio to improve safety and sidewalks along Lake Road. The firm of Mannik & Smith, along with Public Works Director Reitz and Councilman Kos, were instrumental in helping the City obtain the grant.

Mr. Kos stated that the Governor's office announced through a press release that \$51 million in grants would be distributed to be used for traffic safety purposes. According to ODOT, fatal crashes involving pedestrians and roadways were at their highest level in 2021 and are on the rise. Unfortunately, many actions the City has taken to improve pedestrian and cyclist safety were because of these roadway crashes and one fatality. The grant awarded to the City has been approved, as follows: \$149,000 for design funds for the fiscal year 2023; \$225,000 for right-of-way funds for the fiscal year 2024; and \$742,000 for construction funds for the fiscal year 2025. The City will be responsible for 10%. The grant will fund many of the projects recommended by the Lake Road Safety Study. This fall, Lake Road will be repaved, bike lanes will be widened by one foot, and the roadways narrowed by one foot. A pedestrian island will be installed to allow pedestrians to safely cross Lake Road at SR 83. The grant will fund sidewalks on the north and south side of Lake Road from SR 83 to the Bay Village line in July of 2024. Pat Etchie of Mannik & Smith worked hard to help the City gain this funding and will let us know when the next round of funding is available for the sidewalks from SR 83 west to the Sheffield Lake line.

Public Works Director Reitz stated that the Safety Study led to the addition of LED crosswalks on Lake Road at Jaycox Road and Armour Road. There is a path on Armour

Road that leads into the Metro Park, which is a great link. The sidewalks will be a big improvement for the public.

PUBLIC WORKS DIRECTOR'S REPORT

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

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held Thursday, May 12th 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, May 16th at 5:45 p.m.

- Environmental Affairs Advisory Board (EAAB)

On May 4th, the Board met with the Avon Lake Environmental Redevelopment Group (ALERG) and representatives from Charah Solutions. The parties discussed the asbestos abatement, plans for stormwater remediation, and the remediation project which is being managed by the Ohio EPA.

On May 7th, the EAAB distributed over 200 free native plants at the Avon-on-the-Lake Garden Club Annual Plant Sale.

- Avon Lake Clean-Up Day/Lorain County Beautiful Day

On Saturday, May 21st, several teams will participate in the Avon Lake Clean-Up Day, which is part of Lorain County Beautiful Day. Some of the projects will include stenciling "Lake Erie Starts Here" on storm drains, and cleaning up the beach at Veterans Memorial Park and other tributaries. The Public Works Department will oversee these activities. Anyone interested in volunteering is asked to call the Public Works Department at 440-930-4126.

Shred Day will be held Saturday, May 21st. Residents can bring five copier boxes or five paper bags filled with papers to be shredded to the Municipal Pool from 9 a.m. until 12 noon.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the results of the Economic Development Committee meeting on May 2nd. The one topic discussed was the 2021 Jobs Growth Incentive Program. Further discussion on the incentive program will be conducted at a special meeting of the

Economic Development Committee on Tuesday, May 10th at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE

The next meeting of the Finance Committee will be held Monday, May 16th 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) the update to the pay ranges of non-bargaining employees from the Gallagher Study; 2) the appointments of two Firefighter /Paramedics; 3) the fixing of pay ranges for the Public Works Department Engineering Interns; 4) the name change of the Economic Development Department; and 5) the maximum age for a Police Officer.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held Wednesday, May 25th 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 on Wednesday, May 25th at 5:30 p.m. at the Lake House.

MOTIONS

Mr. Zuber moved to change the name of the Economic Development Department to the Community Development Department. This name change was recommended by the Business Navigation Ad Hoc Committee. By merging Planning and Zoning under one department, the name change accurately reflects the department's tasks and responsibilities.

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

No: None

Motion carried.

Mr. Zuber moved to accept the resignation of Public Works Director Reitz effective June 4, 2022. After 35 years of public service, Mr. Reitz decided to retire.

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

No: None

Motion carried.

LEGISLATION

Mr. Zuber moved to add Ordinance No. 22-76.

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

No: None

Motion carried.

Second Readings:

Ordinance No. 22-51, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

This legislation will amend the General Fee Schedule to adjust zoning fees and the fees assessed by the Public Works Department as recommended by Public Works Director Reitz. The fees have not been adjusted in 20 years, and the proposed increases were vetted by the Building and Utilities Committee and the Public Service Committee.

The changes to the fees are as follows:

1) Zoning Board of Appeal fees from \$50 to \$75; 2) Planning Commission agenda fee, including final plat from \$175 to \$200; 3) Planning Commission agenda fee, conditional use permit fee from \$200 to \$300; 4) Grading Permit for new construction from \$50 to \$100; 5) Re-Grading Permit from \$25 to \$50; 6) Right of Way Permit from no charge to \$50; 7) Road Opening Permit from \$125 to \$200, and 8) Central Avon Lake Drainage Project (CALDP) tap-in fee will be adjusted yearly based on the Cleveland Construction Cost Index.

Ordinance No. 22-57, AN ORDINANCE AUTHORIZING THE PURCHASE OF A STREET SWEEPER 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: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-57. This legislation will authorize the purchase of a street sweeper CityCat 5006 Standard Sweeper from The Safety Company, LLC dba MTech Company of Cleveland, Ohio for the amount of \$286,119.

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

No: None

Motion carried.

Ordinance No. 22-57 adopted.

Ordinance No. 22-63, AN ORDINANCE APPROVING THE REVISION TO THE FINAL PLAT FOR PORT WEST SUBDIVISION NO. 1 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. 22-63. This legislation will approve the revision to the Final Plat for Port West Subdivision No. 1 consisting of 20 sub lots on 8.5797 acres located on the south side of Walker Road between Piccolo Place and Ambleside Drive in an R-1 Single-Family Residential Planned Unit Development Zoning District approved by Planning Commission on November 8, 2021.

The developer revised the Final Plat to reduce the side yard setbacks of several sub lots to offer flexibility in housing styles; however, the lot sizes did not change, and they now seek Council approval. These revisions were approved by Planning Commission on April 5, 2022.

Mr. Zuber requested the City videotape all storm and sanitary laterals before issuing occupancy permits for this subdivision and the next two subdivisions based on the past problems residents encountered from the developer at Park Place.

In response to Mrs. Fenderbosch, Public Works Director Reitz stated that the sanitary sewer has been videotaped, and the City is discussing videotaping the inspections and the cleaning of the storm sewers. The problems experienced by residents at Park Place were due to the main line backing into the laterals.

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

No: None

Motion carried.

Ordinance No. 22-63 adopted.

Ordinance No. 22-64, AN ORDINANCE APPROVING THE THE FINAL PLAT FOR PORT WEST SUBDIVISION NO. 2 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. 22-64. This legislation will approve the Final Plat for Port West Subdivision No. 2 consisting of 26 residential lots on 14.5620 acres located on the south side of Walker Road between Piccolo Place and

Ambleside Drive in an R-1 Single-Family Residential Planned Unit Development Zoning District approved by Planning Commission on April 5, 2022.

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

No: None

Motion carried.

Ordinance No. 22-64 adopted.

Ordinance No. 22-65, AN ORDINANCE APPROVING THE FINAL PLAT FOR PORT WEST SUBDIVISION NO. 3 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. 22-65. This legislation will approve the Final Plat for Port West Subdivision No. 3 consisting of 40 residential lots on 12.8477 acres located on the south side of Walker Road between Piccolo Place and Ambleside Drive in an R-1 Single-Family Residential Planned Unit Development Zoning District and approved by Planning Commission on April 5, 2022.

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

No: None

Motion carried.

Ordinance No. 22-65 adopted.

Ordinance No. 22-67, AN ORDINANCE REPEALING AND REPLACING SECTION 672.10 OF THE CODIFIED ORDINANCES RELATING TO THE DISCHARGE, IGNITION, OR EXPLOSION OF FIREWORKS AND DECLARING AN EMERGENCY, was read by title only.

This legislation will repeal and replace Codified Section 627.10. The State Law signed by the Governor last November permits the use of fireworks in municipalities on 15 designated days but has allowed municipalities the ability to override the law to maintain any prohibition. The Administration, Police Department, Fire Department, and the Public Safety and Health Committee have agreed to maintain a prohibition on fireworks in Avon Lake. The replacement of Section 672.10 updates the City's code and will retain this prohibition.

Ordinance No. 22-68, AN ORDINANCE OPPOSING THE ADOPTION OF HOUSE BILL 563, CURRENTLY BEING CONSIDERED BY A COMMITTEE OF THE OHIO HOUSE OF REPRESENTATIVES, WHICH PROPOSES TO LIMIT LOCAL REGULATION OF SHORT-TERM RENTAL PROPERTY AND DECLARING AN EMERGENCY, was read by title only.

This legislation will remove the ability of municipalities from enacting any type of restrictions on short-term rentals. This item is a hot topic for the Ohio Municipal League, and several communities across the state feel that any type of sweeping

prohibition on municipalities is an affront to the practice of Home Rule. While HB 563 talks about short-term rental properties, opposing it could be on any topic. It is the fact that the State is saying that a municipality cannot enact its legislation regarding certain situations, which is the basis of Mr. Kos' objection.

Mr. Arnold asked Mr. Kos if he has contacted the two representatives sponsoring the bill? He noted that he thought short-term rentals were good for communities, and he does not view the Resolution as a restriction to municipalities from enacting or enforcing short-term rentals.

Mr. Kos responded that he has not talked to the two representatives of the bill and reiterated that his objection pertains to the Home Rule issue.

First Readings:

Ordinance No. 22-72, AN ORDINANCE AWARDING A CONTRACT FOR THE WALKER ROAD PAVING PROJECT PHASE I 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. 22-72. This legislation will award a contract for the Walker Road Paving Project Phase I to Precision Paving, Inc. of Milan, Ohio for \$807,959.10.

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

Ordinance No. 22-72 adopted.

Ordinance No. 22-73, AN ORDINANCE AUTHORIZING THE PURCHASE OF A BRUSH BANDIT CHIPPER TRAILER 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: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos
No: None
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-73. This legislation will authorize the purchase of a Brush Bandit Chipper Trailer from KTS Equipment, Inc. of Wellington, Ohio in the amount of \$66,829.

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

No: None

Motion carried.

Ordinance No. 22-73 adopted.

Ordinance No. 22-74, AN ORDINANCE AWARDING A CONTRACT FOR THE CENTRAL AVON LAKE DRAINAGE PROJECT (CALDP) STORM SEWER PROJECT PHASE 2 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-74. This legislation will award a contract for the Central Avon Lake Drainage Project (CALDP) to Underground Utilities, Inc. of Monroeville, Ohio in the amount of \$1,262,879.20.

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

No: None

Motion carried.

Ordinance No. 22-74 adopted.

Ordinance No. 22-75, AN ORDINANCE FIXING A PAY RANGE FOR PUBLIC WORKS DEPARTMENT ENGINEERING INTERNS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-75. This legislation will fix a pay range for the Engineering Interns in the Public Works Department for \$17.50/hour to \$20.50/hour.

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

No: None

Motion carried.

Ordinance No. 22-75 adopted.

Ordinance No. 22-76, AN ORDINANCE TO ESTABLISH THE MAXIMUM AGE LIMITATION OF A POLICE OFFICER FOR AN ORIGINAL APPOINTMENT IN THE AVON LAKE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-76. This legislation will establish the maximum age limit of a Police Officer for an original appointment in the Avon Lake Police Department. This was approved by the Civil Service Commission and Human Resources Committee earlier.

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

No: None

Motion carried.

Ordinance No. 22-76 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Avon-on-the-Lake Garden Club held its Annual Plant Sale on Saturday, May 7th. It was the largest and most successful sale to date. The proceeds will return to the community through the purchase of plants for the 10 City gardens the Garden Club maintains.

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.

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

No: None

Motion carried.

Adjournment: 8:20 P.M.

RECONVENING OF COUNCIL MEETING

The Council Meeting was reconvened at 9:04 P.M.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber.

Council President O'Donnell moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:04 P.M.

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

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