

**MINUTES OF THE SPECIAL MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JUNE 21, 2022**

A special meeting of the Avon Lake Municipal Council was called to order on June 21, 2022 at 9:23 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, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Presley; City Engineer Fulton; and Clerk of Council Rosmarin.

Absent: Billie Jo David.

**AUDIENCE PARTICIPATION**

The following individuals addressed Council regarding Ordinance No. 22-96, Port Side Subdivision Improvement Plans:

Rob Baker, 32006 Liberty Rose, Avon Lake (Liberty Rose HOA), noted that the City Safety Forces have repeatedly stated that they do not agree with traffic calming. This has been a concern of the HOA, and they have had discussions about traffic issues with the developer for over a year. Now the City intends to revert and select alternative traffic calming without evaluating the entire plan.

Jim Saylor, Reitz Engineering, 4214 Rocky River Drive, Cleveland, expressed his appreciation for the City expediting the approval of the Port Side Subdivision, which was approved by the Planning Commission on June 20<sup>th</sup>, and for the Finance Committee allowing the developer and the adjacent property owner to share costs, as part of the improvements that will enclose the ditch, and permit the crediting of inspection fees to reimburse outside costs.

**MOTION**

Council President O'Donnell moved to permit Mrs. Fenderbosch to be excused from voting on Ordinance No. 22-89 pursuant to Codified Ordinance Section 220.19(b).

As a member of the Materials Management Advisory Council, Mrs. Fenderbosch has a conflict of interest and will abstain from voting.

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

No: None

Absent: David

Motion carried.

## LEGISLATION

### Second Readings:

Resolution No. 22-89, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO ENTER INTO AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) AND GEON PERFORMANCE SOLUTIONS FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2022 MARKET DEVELOPMENT GRANT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Abstention: Fenderbosch

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 22-89. This legislation will authorize the Mayor to enter an agreement with Geon Performance Solutions, which will acquire grant funding from the Ohio EPA in the amount of \$163,228. The Ohio EPA requires a government entity for this grant, and the City agreed to partner with Geon Performance Solutions. Geon Performance Solutions will use the grant funding to explore recycling PVC for their production system.

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

No: None

Absent: David

Abstention: Fenderbosch

Motion carried.

**Ordinance No. 22-89 adopted.**

Ordinance No. 22-96, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR PORT SIDE SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Zuber

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-96. This legislation will approve the Improvement Plans for Port Side Subdivision No. 1, approved by Planning Commission on June 20, 2022 subject to the elimination of the painted force turn island and the placement of a stop sign at the east end of Liberty Rose Drive.

Mr. Zuber stated that the residents in the Liberty Rose HOA have been working with the City and the developer on their traffic concerns, and they thought an agreement was achieved until the Planning Commission meeting on June 20<sup>th</sup>. Speeding in neighborhoods is one of the biggest complaints he receives, and the City had a chance to install a traffic calming device that was agreed upon by everyone. But Planning Commission approved its removal. This is a unique situation, and the City can prevent a traffic situation before it has started.

Mr. Kos voiced his concern with the initial Improvement Plans approved by the Planning Commission on April 5<sup>th</sup>, and he has not been provided with a clear understanding as to what objections the Police Department has, if any. Since an agreement was made between the HOA and the City, which was approved by the Planning Commission, he is not comfortable at this time voting in favor of the legislation.

Mrs. Fenderbosch responded that the Planning Commission Chairman voted no, but the other six members voted yes. Police Lt. Giardini attended the Planning Commission meeting on April 5<sup>th</sup>, as the traffic expert for the Police Department, and stated he and Chief Molnar were not in favor of the painted force turn island.

Mayor Zilka stated that Chief Molnar submitted a letter, which was included in the Planning Commission agenda packet, that referenced ODOT standards for yellow lines and that directional islands should be used sparingly. The Police Department and Fire Department have opposed the painted force turn island from the beginning. However, the island proposal was under the City's former Public Works Director. Beth Fulton, is the new City Engineer, and she is not in favor. Therefore, Mayor Zilka requested Council consider the opinions of the current Engineer when they vote.

Yes: Fenderbosch, O'Donnell, Spaetzel

No: Arnold, Kos, Zuber

Absent: David

Motion failed.

Law Director Ebert stated that the motion for passage failed, and the Improvement Plans will have to return to the Commission or Council could move to reconsider this vote next week when there is a full complement of Council.

Mr. Zuber requested Law Director Ebert provide an opinion as to whether or not this motion failed because of a tie vote. It was the opinion of the City's previous Law Director, Abe Lieberman, that a tie vote on a Planning Commission matter indicated that no action was taken by Council. Therefore, it did not fail or pass.

Mayor Zilka noted that since Council did not take action within 60 days from Planning Commission's approval due to the tie vote, as referenced by Mr. Zuber, the Improvement Plans automatically passed after 60 days according to the Planning & Zoning Code.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David

Motion carried.

## EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(1), Mrs. Fenderbosch moved to adjourn to Executive Session to consider compensation of a public employee.

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

No: None

Absent: David

Motion carried.

Adjournment: 9:42 P.M.

## RECONVENING OF COUNCIL MEETING

The Council meeting was reconvened at 10:10 P.M.

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

Adjournment: 10:11 P.M.

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

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