

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JUNE 27, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on June 27, 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; City Engineer Beth Fulton; and Clerk of Council Valerie Rosmarin.

Absent: Finance Director Presley.

APPROVAL OF MINUTES

The minutes of the May 23, 2022 Council Meeting were approved as prepared and published.

CORRESPONDENCE

The following individuals submitted letters:

- H.R. Kopf of Kopf Builders requesting Council suspend the rules for three readings on an emergency basis for Ordinance No. 22-99, approving the final plat for The Harbour PUD Subdivision No. 2.
- Liberty Rose Homeowners Association members regarding Ordinance No. 22096:
 - Annie Timbly, 32014 Liberty Rose Drive, Avon Lake
 - Melissa Britt, 553 Monticello Drive, Avon Lake
 - Katie Preto, 32013 Liberty Rose Drive, Avon Lake
 - Rob Baker, 32006 Liberty Rose Drive, Avon Lake

MAYOR'S REPORT

Officer Blankenship introduced K9 Officer Lex. Lex is a 15-month-old Dutch Shepard from the Netherlands, who responds to commands in Dutch. He will assist in drug and narcotic seizures, tracking, and building searches.

Since Council supported the budget for a new K9 Officer, Chief Molnar requested Officer Blankenship introduce K9 Officer Lex to Council. He stated that the training was conducted by Columbus Canine, which was quite extensive and required a six-week hotel stay in Columbus. Since the City paid this expense, Chief Molnar wanted to display its value. K9 Officer Lex will work with local businesses. DEI has sponsored a fundraiser at their Cruise-In on Saturday, August 20th at Weiss Field to obtain new safety equipment for K9 Officer Lex.

Mayor Zilka met with Mayor Hunter of Sheffield Village, Mayor Bring of Sheffield Lake, and Law Directors Ebert and David Graves to discuss the 10-year agreement between the communities regarding building inspections at the Ford Ohio Assembly Plant. The current agreement will expire on July 23rd. On July 11th, Council will be asked to approve a renewal agreement.

PRESENTATION OF NEW FIRE STATION AND RENOVATIONS

Chief Betsa presented a powerpoint to the public and Council regarding Ordinance No. 22-82 for the necessity of the question for passage of a municipal tax increase scheduled for third reading.

COUNCIL PRESIDENT'S REPORT

In celebration of Independence Day, Council will not meet on Monday, July 4th. The rescheduled Collective Committee Meeting will be held on Tuesday, July 5^h at 7:00 p.m. in the Council Chamber.

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

Council Recess begins Tuesday, July 12th through Sunday, August 14th.

CITY ENGINEER'S REPORT

The City Engineer's weekly report was distributed earlier today.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held on Tuesday, July 5th at 5:30 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, July 11th at 6:00 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the results of the Public Safety and Health Committee meeting on June 15th, as follows:

- 1) Ordinance No. 22-97 is scheduled for the first reading and suspension of the rule requiring three readings. It will permit the selling of beer, wine, and hard seltzer-type beverages to be sold, served, dispensed, and consumed at a one-day Beer Festival held on Saturday, August 27th at Miller Road Park. The festival is sponsored by the Avon Lake Athletic Boosters. Chief Molnar told the Committee that he was in favor of the event and that no major issues have occurred with past festivals. The event is well run, well attended, and very popular.
- 2) Upon passage of Ordinance 672.10, fireworks had been prohibited and remained prohibited in the City, and signs were installed notifying the public of the prohibition. There has been some confusion with the State law, which allows fireworks on specific days, and the City law. When the State of Ohio passed its new law, municipalities were permitted to determine what was best for their community. In preparation for the new State law, the Public Safety and Health Committee began evaluating the City's law over a year ago. The decision to prohibit fireworks in the City was not made in haste. The Committee had many meetings and sought input from the Fire Department, Police Department, and members of Council. All agreed that the prohibition will remain, which will be the same law the City has followed last year and many years before. The City is not removing a right of the public but continuing with the previous law. Avon Lake is not the only municipality in the area that has continued to prohibit fireworks in its jurisdiction. The cities of Amherst, Bay Village, Sheffield Lake, Westlake, Rocky River, Vermilion, Bedford, Berea, Brook Park, Cleveland, Mentor, North Royalton, Pepper Pike, Strongsville, Seven Hills, and Sheffield Village continue to prohibit fireworks.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported on the results of the Public Service Committee meeting held on June 23rd. The following topics were discussed: 1) advertisement for bids for an emergency stairwell at City Hall; 2) acceptance of NOPEC grants; 3) approval of the use of submerged lands, and 4) award of a contract for LED upgrades at Bleser Park.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held Tuesday, July 6th 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 May 25th, as follows: 1) two area variances to permit an ATM and drive-through facility at 690 Avon Belden Road were granted; 2) an appeal by Jess Lake Company at 430 Avon Belden Road to rehear Case No. 020-21 that approved a site plan contingent upon the applicant recording a signed easement with the country before permits are issued. The appeal was denied and Planning Commission's decision on May 3rd, 2022 was upheld; 3) an area variance to permit a rear home addition at 170 Miller Road that would reduce the rear setback from 28' to 12.6' was granted, and 4) an area variance to permit a 4-foot tall fence in the front yard at 31780 Lake Road was approved.

PARKS AND RECREATION COMMISSION REPORT

The next meeting of the Parks and Recreation Commission will be held on September 28th at 5:30 p.m. at the Lake House.

AUDIENCE PARTICIPATION

The following individuals addressed Council regarding Ordinance No. 22-96:

Rob Baker, President of Liberty Rose HOA, 32006 Liberty Rose Drive, Avon Lake. Mr. Baker stated that an agreement and plan for a forced turn lane at Liberty Rose Drive and Port Side Drive was achieved through the acceptance of Mayor Zilka, Police Chief Molnar, Fire Chief Betsa, and former Public Works Director Reitz. Planning Commission approved the forced turn lane on April 5th and it was reaffirmed on April 22nd when they met and approved a technical update request. Liberty Rose HOA requests Council honor the City's agreement and vote to install what was originally approved on April 5th and include the April 22nd ODOT technical update. The HOA desires to positively resolve this issue as quickly as possible and allow Mr. Kopf's development to move forward without further delay.

Nate Leber, 554 Monticello Drive, Avon Lake. Mr. Leber requested Council's support of the agreed measures that will mitigate the traffic volume. He stated that the traffic environment will change for the 16 children, ages 16 and under, that have become accustomed to living in a low traffic and quiet community. The children will have to quickly orient to a significant increase in traffic volume, and he is requesting that the risk mitigation agreed to will be honored.

Jim Saylor of Reitz Engineering, 4214 Rocky River Drive, Cleveland, on behalf of Kopf Construction, requested Council's approval of the Port Side Subdivision No. 1 Improvement Plans. If the plans are not approved, the project will not move forward and the primary features of the project are the elimination of the ditch on Walker Road and the installation of sidewalks. These elements will provide safer pedestrian travel on this busy road while saving the City \$500,000 by not having to make these

improvements. He urged Council to not reject the legislation because denial would only send this back to Planning Commission, who has already deliberated and issued a recommendation. Instead of voting no, Mr. Saylor requested Council pass the ordinance contingent on outstanding issues being resolved administratively.

MOTIONS

Mrs. Fenderbosch moved to advertise for bids for the City Hall emergency stairwell. Clark & Post Architects have designed plans and prepared bid documents for the emergency stairwell on the north side of the building.

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

Mr. Kos moved to reconsider Ordinance No. 22-96 Improvement Plans for Port Side Subdivision No. 1. This legislation was on the June 21st Council agenda, and passage failed due to a tie vote. Council Ward I Representative Billie Jo David was absent, and she should have the opportunity to vote since this subdivision is in Ward I.

Mrs. Fenderbosch stated that the concerns about the subdivision are not only about the intersection but pertain to stormwater issues and the ability to close off the ditch and recirculate the water to Gable Creek. There are two pipes underneath Port Side Drive. Maintenance of those pipes will be the responsibility of the HOA.

Mrs. David stated that Council will have an opportunity for discussion if the motion for reconsideration is approved, and she will offer an additional motion to address those issues.

Council President O'Donnell asked the Law Director if a motion to reconsider is the appropriate process with a tie vote.

Law Director Ebert responded that Council took action with the tie vote. Therefore, a motion to reconsider can be presented by someone who voted on the prevailing side.

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

Mrs. David moved to add Ordinance No. 22-96R, which failed at the June 21st Council Meeting. Due to the interests of the developer to move Port Side Subdivision No. 1 as expeditiously as possible and to satisfy the concerns of the Liberty Rose Homeowners Association, she will amend Ordinance No. 22-96R to include the channelized, painted island that was approved by the Planning Commission on April 5, 2022.

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

No: Fenderbosch
Motion carried.

Mrs. David moved to amend Ordinance No. 22-96 to include the traffic control device that was approved by the Planning Commission on April 5th on Port Side Drive and Liberty Rose Drive in substitution of the June 21st Council Meeting recommendation which removed this traffic control device at the same location.

Mrs. David stated that over the last year and a half she has worked with Liberty Rose Homeowners Association, who fully participated in the City's Zoning and Planning processes through public participation, to agree by concessions of chokers, turn about, raised islands, or delineators to a channelized island that would be painted with signage. That agreement was made over a year and a half ago with full participation, it was voted on by the Planning Commission on April 5th and further agreed upon in an internal meeting on April 22nd. Unfortunately, she was not available to participate in discussions that reversed this decision. Therefore, she requested an opportunity to vote on Ordinance No. 22-96 and amend it to include the agreed plan and retain the Planning Commission recommendations of June 20th that addressed additional issues not previously discussed.

Mrs. Fenderbosch stated she will vote in opposition but does care about the children who will be impacted by the increased traffic. She is not an engineer. When making a decision, she considers the recommendations of the City Engineer, Police Chief, and Fire Chief, who are not in favor of this type of unit. They are the consultants that Planning Commission depends upon. She understands the passion and reason for the HOA's requests but is uncertain if it will solve the issue. If this Council does approve Ordinance No. 22-96R, she will recommend that signage be placed by Lear Road that there is no entry to Walker Road from Liberty Rose Drive.

Mayor Zilka stated that he was informed that the forced turn lane will only have a triangle painted on the road. It does not require a lefthand turn, and no signage will be placed. Based on this, there would be no point in painting the triangle because it does not give directions, and it is unclear. He has asked for clarification because it is confusing. Lt. Giardini spoke at the Planning Commission and suggested that the City reconfigure the traffic light timing on Lear Road and Walker Road to allow the traffic to flow more smoothly to alleviate cars using Liberty Rose Drive as a bypass.

Yes: David, Kos, O'Donnell, Spaetzel, Zuber, Arnold
No: Fenderbosch
Motion carried.

LEGISLATION

Third Reading:

Resolution No. 22-82, A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE AMENDING SECTIONS

886.01, 886.03, 886.04 AND 886.06 OF THE CITY'S CODIFIED ORDINANCES TO PROVIDE FOR THE LEVY OF AN ADDITIONAL ONE-QUARTER PERCENT (0.25%) INCOME TAX TO PROVIDE FUNDS FOR THE PURPOSE OF PAYING COSTS OF (i) CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION AND CLEARING, IMPROVING AND EQUIPPING ITS SITE, REHABILITATING, REMODELING, RENOVATING, FURNISHING AND EQUIPPING THE EXISTING POLICE STATION AND IMPROVING AND EQUIPPING ITS SITE, AND OTHERWISE CONSTRUCTING, RECONSTRUCTING, REHABILITATING, REMODELING, RENOVATING, ENLARGING, FURNISHING, EQUIPPING AND IMPROVING CITY BUILDINGS AND FACILITIES AND ACQUIRING, CLEARING, IMPROVING AND EQUIPPING THEIR SITES, (ii) MAINTAINING, REPAIRING AND IMPROVING CITY STREETS BY CONSTRUCTING, RECONSTRUCTING, WIDENING, GRADING, DRAINING, CURBING, PAVING AND EXTENDING STREETS AND RELATED BRIDGES, CONSTRUCTING STORM SEWERS AND RELATED DRAINAGE IMPROVEMENTS, INSTALLING TRAFFIC SIGNALS AND SIGNALIZATION, AND ACQUIRING EQUIPMENT REQUIRED FOR SUCH MAINTENANCE, REPAIR AND IMPROVEMENTS AND (iii) DEBT CHARGES ON CITY NOTES, BONDS OR OTHER OBLIGATIONS ISSUED FOR THOSE PURPOSES, AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for passage of Resolution No. 22-82. This legislation will declare the necessity of submitting to the electorate an additional 0.25% income tax to build a new Fire Station, renovate the Police Station, and improve streets in Avon Lake. The current Fire Station is 48 years old, and it is time to move forward with a new facility and provide the Police Department with additional space. Also, the City needs to maintain the infrastructure of residential streets. If this legislation is approved, it will be placed on the ballot in November.

Mr. Arnold stated that he will not support a municipal tax increase due to the current economy. He does recognize the need for repairs and additional space. Next year the schools are planning to place a levy on the ballot for new schools and then an operational levy the following year.

Mr. Kos stated that the Public Health and Safety Committee began discussions about renovations to the Safety Center about five years ago and this decision has not been made in haste. Studies were conducted that identified a need in the community. No one likes a tax increase; however, he supports it because it will benefit the City's safety forces. The facilities are inadequate. In 1978, the number of runs in the Fire Department was 610. Last year, the number of runs was 3,045. The Fire Department had a staff of 21 in 1978, and today the staff is 36. In 1978, the population was 13,020, and in 2020 the population is 25,269. The City is growing and runs have increased by 400%, staffing 72%, and population 94%. It is time for a modern facility for the Avon Lake Fire Department. He respects Mr. Arnold's comments regarding timing. There is never a good time. If the City waits for a good time, 5, 10, 15, or 20 years from now, it will cost the residents more. This is the time because there is a need and there was a need five years ago when the Public Safety and Health Committee began this process.

Mr. Kos noted that the City's rate of 1.5% will increase to a rate of 1.75%, which is a rate still at or below many of the neighboring communities. The City would still be

competitive with a rate of 1.75%. For example, the rates are Avon 1.75%; Brooklyn 2.5%; Elyria 2.25%; Fairview Park 2%; North Olmsted 2%; Rocky River 2%; and Sheffield Village 2%. The City is competing with those communities for workers, and Avon Lake is still competitive. Also, it is important to not overlook the needs of the Police Department. Their evidence room must be expanded, and their vehicles should be placed in a covered climate control facility. This is a safety forces issue. This is for years to come and the need will continue.

Public Input

Ron Holub, 32862 Lake Road, Avon Lake submitted the following text: Is this proposed tax increase permanent or will it expire when the Fire Station debt is paid off?

Mayor Zilka responded that the tax will not expire.

Mr. Kos stated that initially, the Public Safety and Health Committee discussed having the increase for 20 years. It was the consensus of Council that the increase continues in perpetuity. After the Fire Station is paid off, funds will continue to accumulate which would be dedicated solely to the City's infrastructure.

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

No: Arnold

Motion carried.

Resolution No. 22-82 adopted.

Second Readings:

Resolution No. 22-83, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2023 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will adopt the 2022 requirements for the City's annual budget as submitted to the Lorain County Budget Commission. Upon passage, the Finance Director will forward this resolution to the Lorain County Auditor to calculate the tax levy for the tax year 2023.

Ordinance No. 22-92, AN ORDINANCE AMENDING ORDINANCE NO. 21-90 AND DECLARING AN EMERGENCY, was read by title.

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. 22-92. This legislation will amend Ordinance No. 21-90 by creating a special hourly rate for the Digital Media Director which will be applied when she works on a software project for the City.

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

No: None

Motion carried.

Ordinance No. 22-92 adopted.

Ordinance No. 22-93, AN ORDINANCE AMENDING ORDINANCE NO. 21-146 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. 22-93. This legislation will amend Ordinance No. 21-146 by increasing the hourly wage of the Sustainable Development Coordinator to reflect the additional duties this position was assigned when the Zoning Administrator retired. The increase will be effective July 1st along with the annual increases of City employees. Then the position will receive an additional increase on November 1, 2022 when all duties of the Zoning Administrator have been assumed.

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

No: None

Motion carried.

Ordinance No. 22-93 adopted.

Ordinance No. 22-94, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN PART-TIME, NON-BARGAINING UNIT PERSONNEL 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. 22-94. This legislation will approve wage increases for some part-time employees who have an hourly rate of \$15.00 and were not identified on the ordinance for annual increases effective July 1st. Also, it will establish a special hourly rate for the Zoning Clerk whenever she attends Zoning Board of Appeals meetings.

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

No: None
Motion carried.

Ordinance No. 22-94 adopted.

Ordinance No. 22-95, AN ORDINANCE AMENDING ORDINANCE NO. 21-89 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. 22-95. This legislation will amend Ordinance No. 21-89 by increasing the wages of employees, who were hired this year and were not included in the ordinance for annual increases of non-bargaining employees, and the Production Coordinator in Digital Media, effective July 1st.

Mr. Arnold stated that he is in support of the wage increases. While the wage increase percentage for Stephanie Biggers, Production Coordinator, is higher than he would typically support, her work performance has earned this increase.

Council President O'Donnell agreed and stated that Ms. Biggers has done a great job, especially during COVID. She could adapt when issues arose and this increase is well deserved.

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

No: None
Motion carried.

Ordinance No. 22-95 adopted.

First Readings:

Ordinance No. 22-97, AN ORDINANCE ALLOWING BEER, WINE, AND HARD SELTZER-TYPE BEVERAGES TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY BEER FESTIVAL TO BE HELD AT MILLER ROAD PARK ON AUGUST 27, 2022 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 Ordinance No. 22-97. This legislation will suspend the prohibition of Codified Ordinance Section 1070.02(i)(1) and allow the one-day use of beer, wine, and hard-seltzer type beverages to be sold, served, and consumed at a

festival at Miller Road Park on August 27th organized by the Avon Lake Athletic Boosters. The Boosters have hosted this event in the past, and the Police Chief informed the Public Safety and Health Committee that there have been no issues raised and Police Officers will be present at the event.

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

No: None

Motion carried.

Ordinance No. 22-97 adopted.

Ordinance No. 22-98, 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-98. This legislation will permit the Finance Director to transfer funds totaling \$1,105,416.66 for July, August, and September 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Ordinance No. 22-98 adopted.

Ordinance No. 22-99, AN ORDINANCE APPROVING THE FINAL PLAT FOR THE HARBOUR PLANNED UNIT DEVELOPMENT SUBDIVISION NO. 2 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. 22-99. This legislation will approve the Final Plat for The Harbour Planned Unit Development Subdivision No. 2 consisting of 18 residential lots on 6.4075 acres east of Brennans Court, west of the

Avon Lake/Bay Village border, and on the south side of Walker Road within an R1 Single Family Residential Zoning District as approved by Planning Commission on June 7th.

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

No: None

Motion carried.

Ordinance No. 22-99 adopted.

Ordinance No. 22-100, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR LEGACY ISLE SUBDIVISION NO. 2 WITH CONDITIONS AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve the Improvement Plans for Legacy Isle Subdivision No. 2 consisting of 18 single-family attached units and 13 detached cluster units, south of Legacy Pointe Parkway, west of Jaycox Road within an R1 Single Family Residential District as approved by Planning Commission on June 7th subject to the following conditions: 1) no construction will begin until the City has received updated plans addressing the outstanding comments from Avon Lake Regional Water, and 2) that the retention basins in Phase No. 1 are 100% completed.

Ordinance No. 22-101, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2022 ENERGIZED COMMUNITY GRANT(S) 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. 22-101. This legislation will authorize the Mayor to execute an agreement to accept NOPEC grants for 2022. Avon Lake became a member of NOPEC when the residents voted to participate in their electric and gas programs. All grants received must be used for energy-efficient projects, such as replacing lights in Bleser Park with LED lights.

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

No: None

Motion carried.

Ordinance No. 22-101 adopted.

Ordinance No. 22-102, AN ORDINANCE CONFIRMING THE APPOINTMENT OF TYLER GOODWIN, AS POLICE OFFICER 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold
No: None
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-102. This legislation will confirm the appointment of Tyler Goodwin to the position of Police Officer in the Police Department at the Step 2 salary of \$2,555.69 biweekly effective July 1st.

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

Ordinance No. 22-102 adopted.

Resolution No. 22-103, A RESOLUTION AUTHORIZING THE AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP LLC TO FILE AN APPLICATION AND TO PARTICIPATE IN THE STATE OF OHIO BROWNFIELD REMEDIATION PROGRAM FUND AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Arnold moved for passage of Ordinance No. 22-103. This legislation will authorize the Avon Lake Environmental Redevelopment Group LLC (ALERG), a subsidiary of Charah Solutions, Inc., to file an application to participate in the Brownfield Remediation Program Fund for remediation at the Power Plant. It further establishes the project management and implements the rules and responsibilities of the City and ALERG.

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

Ordinance No. 22-103 adopted.

Resolution No. 22-104, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS, 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. 22-104. This legislation will approve the request of the property owners at 33296 Colony Drive to construct the

proposed shore structure to prevent shoreline erosion. The City has determined that the submerged lands for the project are not necessary or required for the construction, maintenance, or operation by the City of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements and marginal highways or any kind of utility.

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

No: None

Motion carried.

Ordinance No. 22-104 adopted.

Ordinance No. 22-105, AN ORDINANCE AWARDED A CONTRACT FOR LED LIGHT UPGRADES AT BLESER 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. 22-105. This legislation will award a contract for LED light upgrades at Bleser Park to Jim's Electric of North Ridgeville, Ohio for the amount of \$189,200. This project is fully funded through a NOPEC grant.

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

No: None

Motion carried.

Ordinance No. 22-105 adopted.

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

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

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

No: None

Motion carried.

Mrs. David moved for passage of Ordinance No. 22-96R. This legislation will approve the Improvement Plans for Port Side Subdivision No. 1 as amended. Last week Ordinance No. 22-96 was introduced and subsequently passage failed based on a tie vote. Earlier a motion was passed to reconsider Ordinance No. 22-96, and subsequently it was amended to include the traffic control device as approved by the Planning Commission on April 5th at Port Side Drive and Liberty Rose Drive.

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

No: None
Motion carried.
Ordinance No. 22-96R adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The July 4th celebration will be held on Friday, July 1st at Weiss Field beginning at 6 p.m. with three bands performing and concluding with fireworks at 10 p.m. The rain date is Tuesday, July 5th.

Mr. Arnold asked Chief Molnar why there are two construction signs in the righthand lane on Walker Road and SR 83 heading north. Residents have contacted him about these signs because it is difficult maneuvering around these signs.

Chief Molnar stated that those signs were not placed by the Police Department but he will speak with the Public Works Department. He noted that the right of way in that area is not wide enough to support one sign. Since they are road closure signs, they are designed to prevent traffic heading north on SR 83, especially commercial vehicles. The signage is needed but he will determine if two are necessary.

Mrs. Fenderbosch stated that Mr. Zuber sent an email that signs were removed on Legacy Pointe Parkway and asked Chief Molnar why they were removed.

Chief Molnar stated that the radar signs were moved to Glenview Drive because residents are being adversely affected by an increase in traffic due to the SR 83 closure. There is a westbound radar sign on Legacy Pointe Parkway. Three additional permanent radar signs have been ordered.

Mr. Zuber stated that he was contacted by Mr. Kosatka, who stated that he had a 25 mph sign installed in his yard that has disappeared and wanted to have another one installed as soon as possible.

PUBLIC INPUT

Rob Baker, 32006 Liberty Rose Drive, thanked Council and the City for working with the HOA by addressing the safety concerns of their residents.

Sarah McGervey, 161 Brookfield Road, Avon Lake informed Council that she is a candidate running for State Representative and a fundraiser is being held at the Lake House on Wednesday, June 29th from 6:00 to 8:30 p.m. The cost is \$25 per person.

Mrs. Fenderbosch moved for adjournment.

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

Adjournment: 8:59 P.M.

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

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