

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JUNE 13, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on June 13, 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, Jennifer Fenderbosch, David Kos, Marty O'Donnell, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Engineering Technical Aide I Kelly Marton; and Clerk of Council Valerie Rosmarin.

Absent: Billie Jo David, Mark Spaetzel, Finance Director Presley, and City Engineer Beth Fulton.

APPROVAL OF MINUTES

The minutes of the May 9, 2022 Council Meeting were approved as prepared and published.

CORRESPONDENCE

The following emails were received:

- Sheryl Bott, CEO of the Adventure Factory, requested Council suspend the rules for three readings on an emergency basis for Ordinance No. 22-90 approving a Conditional Use Site Plan for a recreational indoor facility at 32925 Pin Oak Parkway.
- Jim O'Connor of Pulte Homes requested permission to present a power point of Legacy Isle, Phase 2 at a Work Session on June 21st and requested Council suspend the rules requiring three readings on an emergency basis for the subdivision's Improvement Plans.
- Jim Saylor of Reitz Engineering regarding the Gable Ditch enclosure on Walker Road.

MAYOR'S REPORT

Mayor Zilka acknowledged the work of Recreation Director Erin Fach and Program Manager Jackie Hoffman in organizing the Memorial Day Parade. Their efforts, along with the assistance of staff from the Recreation Department, Public Works Department, Police Department, Fire Department, and Avon Lake City Schools made this event a

huge success. Mary Krupar, the Mayor's Assistant, was thanked for coordinating the flyover after the ceremony.

Recreation Department Summer Programming Report. Summer camp registration has been extended until Wednesday, June 15th. To date, 60 children have signed up for day camp and 188 children for Safety Town. The first session of Fine Arts Camp will be June 13th to July 1st and the second session July 11th to July 29th. Seventy-five children have signed up for the Mark Price Basketball camp.

Governor Dewine issued a press release in response to Ford Motor Company's announcement that they will expand its facility in Avon Lake to produce the Commercial EV (Electric Vehicle) which will add 1,800 new jobs. The Avon Lake facility will continue to produce the Ford E-Series vans, medium-duty trucks, and super-duty chassis cabs. Construction on the expansion is expected to begin this year, and the production line for the Commercial EV to begin in 2026. Governor Dewine stated that the State of Ohio is one of the automobile hubs in the country and a key manufacturing state. Kumar Galhotra, President of Ford Blue, stated at the press conference that the Ford Motor Company is proud to assemble more vehicles and employ more union auto workers in the U.S. than any other auto manufacturer.

Fire Chief Betsa notified Mayor Zilka that today at 0800 hours Avon Lake, Avon, Sheffield Village, and Sheffield Lake switched their operations to the new radio system. So far the system has been working without issues; however, some punch list items, which do not impact operations, still need to be completed.

Mrs. Fenderbosch acknowledged the work of the Public Works Department staff who prepared the grounds for the parade and noted that several residents complimented their efforts. The staff was extremely helpful in setting up the Avon-on-the Lake Garden Club Flower Show last week. The show was nationally judged, and the Club received a score of 95.

COUNCIL PRESIDENT'S REPORT

In observation of Juneteenth, Council will not meet on Monday, June 20th, and the rescheduled Collective Committee Meeting will be held on Tuesday, June 21st at 7:00 p.m. in the Council Chamber.

The next regular Council Meeting will be held Monday, June 27th at 7:00 p.m. in the Council Chamber.

PUBLIC WORKS DEPARTMENT REPORT

Engineering Technical Aide I Marton reported that the detour due to the Heider Ditch Culvert Replacement Project began today. There were some minor issues with semi-trucks attempting to travel on SR 83 but were resolved. The repaving of Webber Road

will be completed by Friday, June 17th, and the repaving of Moore Road will continue through October.

Mayor Zilka stated that residents on Glenview Drive called to complain about the increased traffic on Redwood Boulevard, Parkview Drive, and Glenview Drive due to the detour of SR 83. The Police Department has been monitoring the situation and three speeding tickets were issued.

LAW DIRECTOR'S REPORT

In response to Mr. Zuber, Law Director Ebert reported that the public records request regarding the fire hydrant was fulfilled by Avon Lake Regional Water, and he will review Kimble Trash and Recycling's contract to determine if they can add a fuel surcharge to residential bills.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the results of the Economic Development Committee meeting on June 6th. An update on the Power Plant was presented, and a discussion was held regarding communications between the new owner, Charah Solutions, Inc., the Community Improvement Corporation, and City representatives.

FINANCE COMMITTEE

The next meeting of the Finance Committee will be held Tuesday, June 21st 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) legislation to be added to tonight's Council agenda regarding employee wages; (2) appointment of a Police Officer in the Police Department; (3) temporary appointment of an Engineering Technical Aide in the Public Works Department; (4) amendments to the Finance Clerk, Accounts Receivable job description; and (5) review of the organizational chart of the Community Development Department along with job descriptions of positions in that department.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported that Lorain County Board of Health Director Mark Adams will attend a Council Work Session on Tuesday, June 21st at 7 p.m. to provide Council with an update on Board of Health matters.

The next meeting of the Public Safety and Health Committee will be held Wednesday, June 15th 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, June 23rd at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported that legislation regarding the Improvement Plans for Port Side Subdivision scheduled for the first reading tonight was postponed. New information was received after Planning Commission's recommendation, and the Administration and City Engineer requested additional time for review. A special Council Meeting can be held next Tuesday, June 21st following the Collective Committee Meeting if the City Engineer has approved the plans.

Director Ted Esborn and Sustainable Development Coordinator Austin Page are now processing Planning Commission items. They implemented a new format for planning cases which will help Planning Commission review files more efficiently.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on May 25th as follows: 1) an area variance was granted for a new single-family dwelling with a front setback of 40' at 176 Ashwood Drive; 2) an area variance was granted to construct a covered front porch that will reduce the front building set back from 32.5' to 18.5' at 72 Coveland Drive; and 3) an area variance was granted to install a 4' ornamental black aluminum fence in the front yard with a setback of 37.5' from the right-of-way at 33850 Lake Road.

CITIZENS TREE COMMISSION REPORT

Mrs. Fenderbosch reported that members of the Citizens Tree Commission attended the annual conference of Tree City USA. The City of Avon Lake is in its 30th year as a Tree City USA. The Citizens Tree Commission will be updating the City website to provide residents with additional information on trees.

AUDIENCE PARTICIPATION

George Spuckler, President of the Steelworkers 836 and 836-1, addressed Council regarding the temporary appointment of the Technical Aide position. He informed Council that this position became vacant last year. As President, he has attended meetings of the Civil Service Commission asking when a test would be conducted. Also, he spoke with former Public Works Director Joe Reitz about the Union and the City entering a Memorandum of Understanding (MOU) to extend the work time of a seasonal employee. He expressed concern about the delay to fill this position and voiced his frustration that there has not been any foresight in filling vacancies in the Public Works Department, unlike other departments, which he noted by the loss of two Equipment

Operators who have not been replaced. He had conversations with HR Director Siwierka regarding the MOU, and this temporary appointment will circumvent those negotiations. Another source of contention was the fact that the Administration failed to inform him of this temporary appointment.

Mayor Zilka understood the frustrations of Mr. Spuckler and acknowledged that discussions were held regarding the MOU. The Administration's intentions were noble. However, after time passed and circumstances occurred causing delays, it became obvious that someone qualified was needed to work in Engineering. A temporary appointment is permitted according to Civil Service Rules. The Civil Service Commission will administer a test, and the position will be filled within the 120-day time frame. The individual selected for the appointment is working part-time as an inspector and has a great deal of experience in the field. He will be a great addition, and he is required to take and pass the test. The vacancy was posted internally and no one within the Union applied for the position.

Mr. Zuber acknowledged Mr. Spuckler's frustration with the delays and stated that the Civil Service Commission approved the hiring of Clancy & Associates to write and administer the test within 120 days of this appointment.

Mr. Spuckler reiterated that the Union was agreeable to an MOU, and an update from the Administration on their plans to fill this vacancy should have been given to the Union.

MOTIONS

Mr. Zuber moved to add Ordinance No. 22-92 to the agenda.

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

Mr. Zuber moved to add Ordinance No. 22-93 to the agenda.

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

Mr. Zuber moved to add Ordinance No. 22-94 to the agenda.

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

Mr. Zuber moved to add Ordinance No. 22-95 to the agenda.

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

No: None

Absent: David, Spaetzel

Motion carried.

Mrs. Fenderboch moved to add a motion to recuse herself from all discussions on Resolution No. 22-89 due to a conflict of interest. *As a member of the Materials Management Advisory Council, Mrs. Fenderbosch has a conflict of interest and will abstain from voting.*

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

No: None

Absent: David, Spaetzel

Motion carried.

LEGISLATION

Third Reading:

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

Mrs. Fenderbosch moved for passage of Ordinance No. 22-51. This legislation will amend the General Fee Schedule to adjust zoning fees and the fees assessed by the Public Works Department as recommended by former 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 third reading of this legislation was postponed to allow some staff members the opportunity to provide input on the increases. The Public Service Committee reviewed their suggestions and agreed to continue with the recommendation of former Director Reitz.

The changes to the fees are as follows:

1) Zoning Board of Appeals 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.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-51 adopted.

Second 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.

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 there are approximately 70 streets rated 4 and 5, with 5 being the worst. If this legislation passes, it will be placed on the ballot in November.

Mayor Zilka stated that the age of the Fire Station is the biggest misunderstanding. It was built in 1978. The Safety Center was built in 2001 and a façade was added to the Fire Station. In 1978, the population of the City was 13,000. The City now has over 25,000 residents. The Fire Station is inadequate and needs to be updated to prepare for new housing that will increase the City's population. This is not a property tax increase. The Administration and Council are sensitive to the fact that property taxes have dramatically increased because of the increase in property values and senior citizens have been impacted. Therefore, the City is seeking to increase the income tax by 0.25%. Currently, the income tax rate is 1.5%. If the increase is approved on November 8th, the income tax would increase to \$25/\$10,000 of income. Residents who work elsewhere and retirees will not be affected. Only those employed in Avon Lake will pay an increase. Fire and EMS services have changed over the last 44 years, and the City needs to keep up to date. This is a decision the community should make, and it should be on the ballot. The Fire Station will be refurbished and the Police Department will utilize that space.

Mr. Arnold stated that he does not support the tax increase and will vote in opposition to its passage. Based on the country's current economy and the potential for a school levy in the future, he cannot support this municipal tax increase at this time.

First 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. 22-84, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT YEAR 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, Fenderbosch, Kos, O'Donnell

No: None

Absent: David, Spaetzel

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-84. This legislation will authorize the following supplemental appropriations: Fund 704 Waterworks Construction in the amount of \$4,048,523.85; Fund 724 Sewer System Construction in the amount of \$474,579.00; and Economic Development for the Jobs Growth Incentive Program in the amount of \$50,000.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-84 adopted.

Ordinance No. 22-85, AN ORDINANCE AWARDED A CONTRACT FOR THE WALKER ROAD RESURFACING PHASE 2 PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-85. This legislation will award a contract for the Walker Road Resurfacing Phase 2 Project to Precision Paving, Inc. of Milan, Ohio in the amount of \$700,634.72.

Mr. Zuber voiced his disappointment that the resurfacing on Walker Road will be from SR 83 to Avon Point Avenue and that an add alternative to Jaycox Road was not included.

In response to Mr. Zuber, Mrs. Fenderbosch stated that former Director Reitz did not include that section in the project because the City is eligible to receive grant funding of \$300,000 during the next cycle. The issue of the add alternative was discussed many times, and the consensus was to wait until the next year.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-85 adopted.

Resolution No. 22-86, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO FILE AN APPLICATION AND ENTER INTO AGREEMENT WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS THROUGH THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE PURPOSE OF ACQUIRING FUNDS THROUGH THE 2022 RECYCLING AND COMPOSTING GRANT PROGRAM PURSUANT TO THE LORAIN COUNTY SOLID WASTE PLAN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 22-86. This legislation will authorize the Mayor to enter into an agreement with the Lorain County Board of Commissioners to participate in the recycling grant program. As a recycling community, Avon Lake is eligible to apply for grants from Lorain County annually. This year the grant award is \$32,545.23, and the application deadline is June 30th.

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

No: None

Absent: David, Spaetzel

Motion carried.

Resolution No. 22-86 adopted.

Ordinance No. 22-87, AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT A \$580,000 GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE FOR A FISH CLEANING STATION AT MILLER ROAD PARK, REPEALING ORDINANCE NO. 21-110, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-87. This legislation will authorize the Mayor to accept a grant of \$580,000 from the Ohio Department of Natural Resources to construct a Fish Cleaning Station. After the City was awarded a \$500,000 grant, the project was bid and the cost projections were \$580,000. For compliance purposes, Ordinance No. 21-110 will be repealed and replaced with Ordinance No. 22-87 upon passage.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-87 adopted.

Ordinance No. 22-88, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE CLERK - ACCOUNTS RECEIVABLE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 22-09R, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Spaetzel

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-88. This legislation will adopt the Finance Clerk - Accounts Receivable job description. Upon passage of Ordinance No. 22-09R, it was discovered that the job description did not list dual knowledge of accounts receivable and payable and the task of assisting other staff in the Finance Department. Therefore, Ordinance No. 22-09R will be repealed and replaced before the civil service test on June 23rd.

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

No: None
Absent: David, Spaetzel
Motion carried.
Ordinance No. 22-88 adopted.

Due to a conflict of interest regarding Resolution No. 22-89, Mrs. Fenderbosch left the Council Chamber.

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.

This legislation will authorize the Mayor to enter into an agreement with the Ohio EPA to serve as the sponsor of Geon Performance Solutions, who will receive a grant in the amount of \$160,228.

Mrs. Fenderbosch returned.

Ordinance No. 22-90, AN ORDINANCE CONFIRMING THE RECOMMENDATION OF PLANNING COMMISSION FOR A CONDITIONAL USE SITE PLAN FOR A RECREATIONAL INDOOR FACILITY AT 32925 PIN OAK PARKWAY AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Ordinance No. 22-90. This legislation will confirm the recommendation of Planning Commission for a Conditional Use Site Plan at 32925 Pin Oak Parkway.

The Planning Commission case file was presented to Council.

Mrs. Fenderbosch informed Council that the business owners requested Council suspend the rule for three readings with emergency passage before they sign a lease. The request for a conditional use is for the site at 32925 Pin Oak Parkway, which is adjacent to Miss Kristin's Dance Studio within an I-1 Light Industrial Zoning District. The Adventure Company will be a play space for children with an assortment of games, playground equipment, and spaces for birthday party rentals. Public notices were sent to all businesses within 300 feet. Remodeling will be done within the building. Before any equipment can be ordered, the business owners are required to sign a lease. Planning Commission voted in favor unanimously.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-90 adopted.

Ordinance No. 22-91, AN ORDINANCE CONFIRMING THE TEMPORARY APPOINTMENT OF JOSEPH WHITELY AS ENGINEERING TECHNICAL AIDE I IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Spaetzel

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-91. This legislation will confirm the temporary appointment of Joseph Whitely to the position of Engineering Technical Aide I at the Step 1 salary of \$29.97/hour effective June 20, 2022 and approved by the Civil Service Commission. Civil Service Rule 13 Section H provides for temporary appointments where there is an urgent need to fill a vacancy provided the Civil Service Commission certifies an eligibility list within 120 days. Clancy & Associates have been contracted to develop the test.

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

No: None

Absent: David, Spaetzel

Motion carried.

Ordinance No. 22-91 adopted.

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

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.

Ordinance No. 22-93, AN ORDINANCE AMENDING ORDINANCE NO. 21-146 AND DECLARING AN EMERGENCY, was read by title only.

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.

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.

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.

Ordinance No. 22-95, AN ORDINANCE AMENDING ORDINANCE NO. 21-89 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend Ordinance No. 21-89 by increasing the wages of employees who were hired this year and were not included on the ordinance for annual increases of non-bargaining employees effective July 1st.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Lorain County Collection Center, 540 South Abbe Road, Elyria is open Monday from 9 a.m. to 3 p.m.; Wednesday from 12 noon to 6 p.m., and Saturday from 9 a.m. to 3 p.m.

Mr. Kos was excused from the meeting.

PUBLIC INPUT

Jim Sayler of Reitz Engineering, 4214 Rocky River Drive, Cleveland, addressed Council regarding Port Side Subdivision on behalf of Kopf Construction. Mr. Sayler asked Mrs. Fenderbosch to reconsider her recommendation that the improvement plans return to Planning Commission and requested Council consider adding it to this agenda to avoid construction delays. He learned that there were concerns this morning, and if he was given notice before this meeting, he would have addressed all concerns. Mr. Kopf is willing to work with any administrative changes, and he has a proven track record of complying with requests of the Administration. The items of concern are not usually reviewed by Planning Commission since they are technical details, such as the radius of a pavement or where yard drains will be installed. For that reason, he reiterated his request to Council that they reconsider and add the improvement plans to the agenda. Every delay has a severe impact on the project because costs are increasing and housing will no longer be affordable for people wanting to move to Avon Lake or relocate to smaller size housing.

Law Director Ebert stated that there have been ongoing discussions with Rob Baker, President of the Liberty Rose HOA, and Mr. Sayler about the HOA concerns regarding the traffic flow in their subdivision. Initially, the improvement plans were scheduled for passage tonight contingent on those traffic issues returning to Planning Commission in August because those types of issues are not addressed at the start of construction. However, Mrs. Fenderbosch discovered some other issues that need to be resolved before passage.

Mrs. Fenderbosch explained that she met with ETAI Kelly Marton and Engineer Fulton to prepare for this Council Meeting. After Planning Commission approved the improvement plans, discussions occurred between former Director Reitz and others that the Planning Commission was not privy to. Then she was informed that her presentation at the Collective Committee Meeting was not in compliance with ODOT, and the engineers had other issues. She reported her findings to the Mayor and Council President O'Donnell, and the consensus was to remove it from tonight's agenda to allow Engineer Fulton time for review and to communicate with Mr. Sayler. A special Planning Commission can be held on Monday, June 20th to expedite the matter. If the Planning Commission meeting is not needed, it will be placed on the Collective Committee Meeting on Tuesday, June 21st, and then forwarded to the Council Meeting on Monday, June 27th for a vote.

Council President O'Donnell stated that if everything goes well at the Planning Commission meeting, a special Council Meeting could be held following the Collective Committee Meeting on Tuesday, June 21st.

In response to Mr. Zuber, Mrs. Fenderbosch stated that the improvement plans were approved by Planning Commission in April.

Law Director Ebert stated that former Director Reitz requested Mr. Sayler modify the plans after the April Planning Commission meeting. Then Mr. Baker asked to see the amended plans. Since this is a procedural issue that was never addressed, the Law Director recommended Council approve the improvement plans contingent on Planning Commission's review.

Rob Baker, President of Liberty Rose HOA, 32006 Liberty Rose Drive, Avon Lake informed Council that he spoke with Mr. Kopf last Friday and forwarded a response to that discussion to Council Clerk Rosmarin on behalf of Council. The Liberty Rose HOA does not want to hold up development. If their issues cannot be addressed at this time, then it is in the best interests to move this project forward without further delay or economic impact.

Council President O'Donnell asked Mr. Baker if Mr. Kopf resolved the HOA's issues in their discussion. Mr. Baker responded that Mr. Kopf believed that Mr. Sayler had addressed all the issues. However, the HOA has not seen any changes to the plans.

Mayor Zilka stated that Mr. Baker, as the HOA President, has been an advocate of restricting a lefthand turn onto Liberty Rose Drive, heading east parallel to Walker Road. The HOA does not want a lefthand turn because it would create traffic from drivers cutting through their development to avoid the intersection of Walker Road and Lear Road. Former Director Reitz was amenable and agreed to an island, also known as a pork chop. The City's new engineer, Mrs. Fulton, does not agree with that proposal. She believes it is a poor policy that will create precedence. Her opinion is different than former Director Reitz. The compromise offered is a painted force turn lane but

Engineer Fulton did not think that was appropriate according to ODOT procedures. The other issue that arose is an email to Mr. Saylor from former Director Reitz on April 22nd requesting Mr. Saylor to revise the map which was not approved by Planning Commission. The City is experiencing a transition from one engineering group to another, which interprets things differently. Therefore, a special meeting of Planning Commission will be requested to move this matter forward expeditiously.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David, Spaetzel

Motion carried.

Adjournment: 8:33 P.M.

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

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