

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
AUGUST 22, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on August 22, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Boy Scout Troop 462 of Avon led the Council, staff, and public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Presley; City Engineer Fulton; and Clerk of Council Valerie Rosmarin.

PUBLIC HEARING

The Public Hearing was opened at 7:03 p.m.

Mrs. Fenderbosch presented the proposed rezoning of PPN 04-00-029-101-017, also known as 32001 Walker Road, Avon Lake from an R-1A Single-Family Residence District to an R-2 Multi-Family Residence District. She stated that the new Planning & Zoning Code was effective January 1, 2022 and will be applied to this rezone request of Lear Road Holdings, LLC. The current zoning map was displayed, and Mrs. Fenderbosch identified the zoning districts near the parcel being considered for rezoning, which are B-1 Limited Business and R-2 Multi-Family Residence. One parcel zoned an R-1 Single Family Residence borders the southwest corner of 32001 Walker Road, and it also borders R-2 Multi-Family Residence, and a PUD (Planned Unit Development).

When Lear Road Holdings, LLC applied for the rezoning, they included a concept plan for the property, but no decision will be made on this concept plan now. All departments have reviewed the rezone application, and most did not have any concerns. The Utilities Department, however, had a minor concern about pipe placement which has been resolved to their satisfaction. The rezoning was approved by Planning Commission on July 6th subject to the appropriate approval by the City Engineer of a traffic study according to Planning & Zoning Code Section 1234.22(b).

Mrs. Fenderbosch stated that Chapter 1226 General Development Standards in the new code has a maximum density in an R-2 Multi-Family Residence District of 5 units per acre and open spaces are not required. PUDs are no longer permitted in the new code but existing PUD properties are grandfathered and protected. R-1A, R-1B, R-1C, and R-1D in the new code are only permitted on a single lot and there may be more than one principal building on an individual lot in R-2 and R-3 Districts.

Council's responsibility with Code Text and Map Amendments is to review the zoning map application and consider, at a minimum, the recommendation from Planning Commission along with reviewing the criteria. Council shall: 1) adopt; 2) adopt with some modification; or 3) deny the recommendation of the Planning Commission by a simple majority.

Law Director Ebert confirmed that Planning Commission specified that it will be at the discretion of the City Engineer to determine the traffic impact study.

In response to Mr. Kos, City Engineer Fulton explained that traffic counts will be taken on the existing road. She will study the traffic entering and exiting the parcel at peak hours of the day and assess the current conditions while projecting the conditions of the proposed development and predict the conditions in 20 years. Other factors to consider are the current level of service, and if the proposed development will degrade the level of service regarding the functions of the road. In this case, the traffic of the proposed development does not rise to the level to support a traffic signal based on the amount of traffic it will generate and its proximity to an existing signal. There will be a stop condition from the property but that will not adversely affect the Walker Road traffic.

Mrs. David asked what the next steps would be in the property's development if the rezoning request is approved by Council. Mrs. Fenderbosch responded that internal meetings will occur with the developer and City staff from various departments. Then the project will be submitted to Planning Commission and forwarded to Council.

Public Input

Rob Baker, 32006 Liberty Rose Drive, Avon Lake, (property owner of the parcel abutting the rezone parcel on the southwest corner) addressed Council.

Mr. Baker stated that the purpose of his appearance before Council was to protect his property for his use and the use of future residents. Previously, he was asked by Mayor Zilka and Mrs. Fenderbosch what did he expect to have happen when he purchased a home at the end of a stub street (indicating future development). He expected that his neighborhood would remain zoned an R-1 Single Family Residence District, which it has; that the adjoining property owned by Kopf Construction would remain zoned an R-1 Single Family Residence District, which it has; that the property owners to the north, Schafer Properties and Charleston Place, would be respectful neighbors, which they have not; and that the parcel located at 32001 Walker Road would remain zoned an R-1 Single Family Residence District, which it has yet to be determined. Shaeffer Properties and Charleston Place are zoned as an R-2 Multi-Family Residence District. When that property was developed, it appears that the City did not require buffering or screening on behalf of the bordering properties. When he and other residents asked for a response, they were ignored. He asked the former Zoning Administrator Ruth Booher if he could install screening since Schafer failed to respond. She informed him that his request would be denied. At his expense, he installed a shed to provide some screening. Mr. Gamellia (Lear Road Holdings, LLC), owner of 32001 Walker Road, has been a very good

neighbor, and he and Mr. Baker will continue to work together. After reviewing the conceptual plans, Mr. Baker did not expect a road, or a cul-de-sac to be at his backdoor. Therefore, he requested Council deny Mr. Gamellia's request for rezoning. However, if Council is inclined to approve the rezoning, he requested language, beyond the basics of Chapter 1235 of the Planning & Zoning Code, be included that will more than adequately protect the residents at the current level of peaceful enjoyment of their property and to the future build.

The Public Hearing was closed at 7:38 p.m.

APPROVAL OF MINUTES

The minutes of the July 11, 2022 Council Meeting and August 15, 2022 Special Council Meeting were approved as prepared and published.

MAYOR'S REPORT

On Sunday, August 21st, the Fire Department responded to two fires. The first fire involved a shed on Hampton Court that the Fire Department responded to very quickly and extinguished before mutual aid arrived. The second fire occurred two hours later in the Landings subdivision. An individual was cooking when a grease fire started in the kitchen. She attempted to take the fire outside. Unfortunately, the grease splashed onto her hand causing minor injury. When the Fire Department arrived, they extinguished the fire immediately.

Many residents have contacted Mayor Zilka because their electric bills have significantly increased. Having experienced the same problem, he contacted NOPEC. The operator explained that the NOPEC contract had expired, and NOPEC had to accept the higher rates which were passed on to the consumer. NOPEC will have another opportunity to bid for electricity in March or April of 2023. Mayor Zilka requested to have his service switched to the utility default service. This is permitted by NOPEC customers at no charge. Effective September 3rd, his kilowatt cost will be reduced from 12 cents to 6.7 cents per kilowatt-hour. Over the years, NOPEC has allowed its customers to realize cheaper rates than the rates of the standard electric companies. Avon Lake residents voted to join NOPEC in 2000. When that occurred, residents automatically become members unless they contact NOPEC to opt-out. After opting out, residents can join again. For further information, residents are directed to call 855-667-3201.

HR Director Mary Siwierka submitted her letter of resignation effective when a new director has been selected. She has updated the HR Director job description which will be reviewed by the Human Resources Committee at their next meeting. A search for a new director will begin with the goal to have someone in place by November 1st.

COUNCIL PRESIDENT'S REPORT

In observance of Labor Day, Council will not meet on Monday, September 5th, and the rescheduled Collective Committee Meeting will be held on Tuesday, September 6th at 7:00 p.m. in the Council Chamber.

The next Council Meeting will be held Monday, September 12th at 7:00 p.m. in the Council Chamber.

BUILDING & UTILITIES COMMITTEE REPORT

Mr. Spaetzel reported that the Northeast Ohio Public Energy Council (NOPEC) aggregate buys in bulk electric and gas utilities. The electricity aggregation was on the ballot in 2000 and residents voted in favor of Avon Lake's participation in NOPEC. All residents are automatically in NOPEC unless they choose to opt-out. The timing of the utility service contracts affected its higher rate. There are approximately one million people in Ohio that subscribe and over 240 participating communities. Due to the current high energy costs, people are being solicited and are subject to fraud. Residents are urged to be very cautious and to consider the adage, "if it's too good to be true, it probably is." To obtain comparison rates, residents are directed to the Public Utilities Commission's website.

Mayor Zilka added that the current NOPEC natural gas prices have also increased; however, the NOPEC price is still 12% less for Dominion, and 28% less than Columbia's standard choice rates.

COMMUNICATIONS, ENVIRONMENTAL & RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mrs. David reported that at the meeting of the Communications, Environmental, and Recreational Programming Committee held on August 15th a professional services agreement with Sixmo, Inc. was reviewed. Sixmo, Inc. was selected as the design criteria architect for the Avon Lake Play Space (ALPS).

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held in September on a date to be determined. The Committee will review the 2022/2023 Deer Culling Program.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, September 12th at 6:00 p.m. in the Council Chamber.

Mr. Zuber reported that the Classification/Compensation Study will be discussed at the next Collective Committee Meeting. The City advertised for RFQs and Arthur J. Gallagher and Company was the only company that submitted a response.

PUBLIC SAFETY & HEALTH COMMITTEE REPORT

Mr. Kos reported on the results of the Public Safety and Health Committee meeting held on August 17th. The following topics were discussed: 1) the purchase of a new ambulance for the Fire Department from Horton Emergency Vehicles of Grove City, Ohio for \$358,627, which will be paid through the funds received from the American Rescue Plan Act (ARPA); 2) an update on the Smuggler's Cove fire, and 3) a proposed multi-jurisdictional agreement for Lorain County Emergency Response team.

Also, at that meeting Superintendent Bob Scott and Dr. Ned Lauver, Operations Director of ALCSD, School Resource Officer Brian Hurd, Police Chief Molnar, and Fire Chief Betsa reviewed the safety preparedness plans that have been implemented for Avon Lake City Schools. The safety of students is at the forefront of the Committee's thoughts, and it was reassuring to hear the Superintendent, his staff, School Resource Officers, and safety forces continue to communicate and keep their training current to keep all students safe.

With the start of the new school year, Mr. Kos offered a reminder that the penalty for illegally passing a school bus was increased last September. Any driver found guilty can face a \$500 minimum fine. Also, jail time of up to 30 days is possible under special circumstances.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held Thursday, August 25th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held Wednesday, September 7th at 7:00 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

The Zoning Board of Appeals meeting scheduled for Wednesday, July 24th has been canceled due to the lack of agenda. Their next meeting will be held Wednesday, September 28th in the Council Chamber.

PARKS & RECREATION COMMISSION REPORT

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

MOTION

Council President O'Donnell moved to authorize the advertisement for the sale of Permanent Parcel No. 04-00-006-114-077 located at 180 Shields Avenue in the City of Avon Lake.

Law Director Ebert stated that the sale pertains to property utilized by Avon Lake Regional Water. An appraisal was completed, and the bids will begin at the appraised value.

Mrs. Fenderbosch noted that a lot split of this parcel will be presented to Planning Commission.

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

No: None

Motion carried.

LEGISLATION

Second Reading:

Ordinance No. 22-110, AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 04-00-029-101-017 FROM AN R-1A SINGLE-FAMILY RESIDENCE DISTRICT TO AN R-2 MULTI-FAMILY RESIDENCE DISTRICT 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. 22-110. This legislation will rezone property owned by Lear Road Holdings, LLC on 32001 Walker Road from an R-1 Single-Family Residence District to an R-2 Multi-Family Residence District as approved by the Planning Commission on July 6th subject to a traffic impact study as determined by the City Engineer. The Public Hearing was held earlier.

Mr. Kos asked Mrs. Fenderbosch when will the City and developer discuss a buffer of landscaping to alleviate the concerns of Mr. Baker, who will be impacted by this development.

In response, Mrs. Fenderbosch stated that after a concept plan has been designed, the developer will meet with Director Esborn and the Review Committee. Landscaping will be included in that discussion. If the developer chooses to move forward, he or she will apply to the Planning Commission, which will review the subdivision plans. Since the

Planning & Zoning Code requires screening between R-1 and R-2 districts, they can request additional landscaping.

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

No: None

Motion carried.

Ordinance No. 22-110 adopted.

First Readings:

Ordinance No. 22-121, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SIXMO, INC. AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a professional services agreement with Sixmo, Inc. of Cleveland, Ohio to begin the design-build. To move the Avon Lake Play Space (ALPS) forward, the City advertised Requests for Qualifications (RFQs) for a criteria architect. An internal committee reviewed the RFQs submitted and determined that Sixmo, Inc. is qualified for this project as they have completed several design builds.

Ordinance No. 22-122, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE INSTALLATION OF SIDEWALKS IN MISSING GAPS ALONG US 6 AND INSTALLATION OF RRFBS AT ARMOUR ROAD AND JAYCOX ROAD AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 22-122. This legislation will authorize the Mayor to enter into an agreement with ODOT for the installation of sidewalks along US 6. Mannik & Smith Group was contracted by the City to conduct a Safety Coordinator Study, and the need to have sidewalks on Lake Road was identified. With Mannik & Smith Group's assistance, the City applied to the State of Ohio and received funding up to \$1,115,100 for the installation of sidewalks by filling the gaps on both sides of Lake Road from SR 83, east to the border of Bay Village. It will also fund the installation of two RRFBS (Rectangular Rapid Flashing Beacons) crosswalks at Lake Road and SR 83 and Armour Road and Jaycox Road. This project is separate from the repaving of Lake Road that will occur in the Spring of 2023.

City Engineer Fulton explained that this legislation will authorize the agreement with ODOT to issue a grant to the LPA (Local Public Authority) or the City of Avon Lake. Once executed, it will be sent to ODOT, and they will seek federal authorization for the project. The grant will fund all phases of the project, 1) the design, 2) the right-of-way acquisitions, and 3) the construction. After the agreements have been signed, the City will advertise the project on ODOT's website to receive qualifications for the design.

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

No: None

Motion carried.

Ordinance No. 22-122 adopted.

Ordinance No. 22-123, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH STEVEN PETER FOR DUTIES HE PERFORMED AS FIRE MARSHAL, REPEALING ORDINANCE No. 22-111, 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. 22-123. This legislation will authorize the Mayor to enter into an agreement with Steven Peter for duties he performed as Fire Marshal from September 15, 2018 to August 18, 2022. It was discovered that Mr. Peter was entitled to overtime compensation according to Codified Ordinance Chapter 260 and will be reimbursed \$29,020.47 for this service.

Mr. Zuber moved to amend Ordinance No. 22-123 to authorize the issuance of Mr. Peter's payment in the amount of \$29,020.47.

Vote on Amendment to Legislation

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

No: None

Motion carried.

Vote on Passage of Legislation

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

No: None

Motion carried.

Ordinance No. 22-123 adopted.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:16 P.M.

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

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