

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
SEPTEMBER 26, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on September 26, 2022, at 8:10 P.M. in the Council Chamber with Council President O'Donnell presiding.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzle, 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 8:11 p.m.

Mrs. Fenderbosch presented the proposed rezoning of PPN 04-00-018-128-232 and PPN 04-00-018-128-224 from a B-1 Limited Business District to an R-3 Multi-Family Residence District. She stated that the parcels are located west of Towne Center, and the property owner has applied for this rezoning to develop the vacant land by building multi-family housing. The Comprehensive Land Use Plan supports this request since a walkable community in that location is its goal, and it will increase economic stability at Towne Center.

The Public Hearing was closed at 8:14 p.m.

**MAYOR'S REPORT**

The Mayors of Sheffield Lake and Sheffield Village and Mayor Zilka were invited to the Ford Rotunda Center in Dearborn, Michigan on Friday, September 23<sup>rd</sup>. At the Rouge Visitor Center, they watched a film on the first Ford Auto Plant which included a steel mill and glass factory. It was informational and enlightening. The day concluded with a tour of the F-150 Gas-Powered Truck Plant and the F-150 Electric Vehicle Plant. Touring these plants offered the Mayors examples of the type of facility that will be built in Avon Lake, Sheffield Lake, and Sheffield Village. The Ohio Ford Truck Plant will focus on commercial and larger trucks, and it is scheduled to break ground in a couple of months. The City and Lorain County are entering into a new era of production that will be more environmentally friendly while supplying the needs of the United States and other nations around the world.

Due to the Mayor's absence on September 23<sup>rd</sup>, Recreation Director Erin Fach attended the "State of Our Health" forum presented by the Lorain County Public Health Department. At that event, health officials reported that of the 10 rated markers of public health, Lorain County fell in nine of them due to COVID-19. Cancer cases, addiction, obesity, and diabetes have increased. A full report will be published. Also, it was noted that preschool preparation has improved.

In response to Council President O'Donnell, Mayor Zilka stated that the Public Works Operational Report prepared by Raftelis is a public record and available to all union representatives, City employees, and the public.

### **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting will be held on Monday, October 3<sup>rd</sup> at 7:00 p.m. in the Council Chamber.

In observance of Columbus Day, Council will not meet on Monday, October 10<sup>th</sup>, and the rescheduled Council Meeting will be held on Tuesday, October 11<sup>th</sup> at 7:00 p.m. in the Council Chamber.

### **BUILDING & UTILITIES COMMITTEE REPORT**

The next meeting of the Building & Utilities Committee will be held on Thursday, October 13<sup>th</sup> at 6:30 p.m. in the Council Chamber.

Mr. Spaetzel reported that the repaving of Coveland Road will begin October 3<sup>rd</sup> and last approximately one week.

### **COMMUNICATIONS, ENVIRONMENTAL & RECREATIONAL PROGRAMMING COMMITTEE REPORT**

Mrs. David reported on the Communications, Environmental, and Recreational Programming Committee meeting held earlier. The following topics were discussed: security cameras at certain City-owned properties; the 2022-2023 Deer Management Program; the Summer Recreational Programming; the Office 365 Migration Project; and software for the Community Development Department.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

The next meeting of the Economic Development Committee will be held on Monday, October 3<sup>rd</sup> at 6:00 p.m. in the Council Chamber.

### **FINANCE COMMITTEE REPORT**

Council President O'Donnell reported on the Finance Committee meeting held on September 19<sup>th</sup>. The following topics were discussed: supplemental appropriations for the Community Improvement Corporation, ALRW, and the Peter Miller House; The budget for the bicentennial artwork and Weiss Field improvement will be carried over to 2023. Currently, a study is being conducted on Weiss Field, and its findings will determine what improvements will be made next year.

The 2023 Budget Meetings will be held in the Council Chamber on Saturday, October 22<sup>nd</sup> at 8 a.m. for capital projects; Saturday, November 12<sup>th</sup> for capital projects and operating expenditures; and Saturday, December 17<sup>th</sup> at 8 a.m. for follow up and to finalize the budget.

Finance Director Presley noted that he included in the supplemental appropriations three outfall projects and will use the ARPA funds.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the following items on the agenda: 1) Ordinance No. 22-126 authorizing an agreement with Arthur J. Gallagher and Associates for a Classification and Compensation Study. He noted that the rule for three readings will not be suspended, and it will not be presented for passage tonight; 2) job description for a part-time Building Inspector was prepared, and the inspector who will be appointed will work specifically on the Ford Assembly Plant expansion; 3) job descriptions for the Assistant Fire Chief and Captain in the Fire Department; and 4) an increase in the wages for part-time and seasonal employees.

The next meeting of the Human Resources Committee will be held on Tuesday, October 11<sup>th</sup> at 6:00 p.m. in the Council Chamber.

### **PUBLIC SERVICE COMMITTEE REPORT**

The next meeting of the Public Service Committee will be held on Thursday, September 29<sup>th</sup> at 7:00 p.m. in the Council Chamber.

### **PLANNING COMMISSION REPORT**

The next meeting of the Planning Commission will be held on Tuesday, October 4<sup>th</sup> at 7:00 p.m. in the Council Chamber. A special meeting will be held on Monday, October 10<sup>th</sup> at 7:00 p.m. regarding the application by Rumpke Waste & Recycling to build a Transfer Station on Pin Oak Parkway.

### **ZONING BOARD OF APPEALS REPORT**

The next meeting of the Zoning Board of Appeals will be held on Wednesday, September 28<sup>th</sup> at 7 p.m. in the Council Chamber.

### **PARKS & RECREATION COMMISSION REPORT**

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

## **CITIZENS TREE COMMISSION REPORT**

Mrs. Fenderbosch reported that Service Department employees Curtis Beckman, Alex Yenni, Pat Stokes, Mark Monda, Paul Casterline, and Jeff Smith and Citizens Tree Commission Chair Terry Robison participated in the Cuyahoga Tree Symposium with her on Friday, September 23<sup>rd</sup>. The symposium was held at the Beechwood Community Center. Mrs. Fenderbosch and the City employees attended the event via Zoom in the Council Chamber and Mr. Robison attended in person.

## **MOTION**

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a new liquor license for Avon Lake Las Margaritas LLC, 519 Avon Belden Road indicating the City requests a hearing.

A new liquor license request was forwarded to the Police Chief. Based on the applicant's past legal issues, the Police Chief, and the Mayor, as Safety Director, determined it was prudent to request the Division of Liquor Control conduct a hearing.

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

No: None

Motion carried.

## **LEGISLATION**

Mrs. Fenderbosch informed Council President O'Donnell that Finance Director Presley is unsure of the total cost for the aerial truck and requested an amendment to Ordinance No. 22-129 to recite that the cost will not exceed \$297,535.

Law Director Ebert confirmed that it is acceptable to amend by reading.

### Second Reading:

Ordinance No. 22-124, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY SYSTEMS LLC FOR THE PROCUREMENT, CONFIGURATION, AND INSTALLATION OF SECURITY CAMERAS AT THE BLESER PARK BASKETBALL COURT, CITY HALL, THE PUBLIC WORKS SERVICE GARAGE, AND WALKER ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. David moved for passage of Ordinance No. 22-124. This legislation will authorize the Mayor to execute an agreement with Simvay Systems LLC in the amount of \$48,682.81 for enhanced security cameras at Bleser Road Park basketball court, City Hall, the Public Works Service Garage, and Walker Road Park. Simvay's fees include the purchase, installation, and service agreement.

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

No: None

Motion carried.

**Ordinance No. 22-124 adopted.**

Ordinance No. 22-126, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH ARTHUR J. GALLAGHER & COMPANY AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a personal services agreement with Arthur J. Gallagher & Company at a cost not to exceed \$160,000 for a Classification and Compensation Study. The Human Resources Committee will discuss this agreement before its third reading.

Ordinance No. 22-128, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-128. This legislation will amend the General Fee Schedule by adding the Street Program fee of \$6.00 per linear foot of the right-of-way. It was discovered that despite being referenced in the Codified Ordinances, the Street Tree Program was never codified. Previously, developers were charged \$6.00 per foot of the width of a parcel. The Administration has proposed to keep the fee at \$6.00 and will assess the fees based on the linear foot of the right-of-way instead of the parcel's width. This should cover the initial tree planted, and it will fund replacement trees. Due to the increased costs for trees, the City has not adequately replenished the Street Tree Fund.

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

No: None

Motion carried.

**Ordinance No. 22-128 adopted.**

Ordinance No. 22-129, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 60' AERIAL UNIT 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

Mrs. Fenderbosch moved to amend Ordinance No. 22-129 that the cost will not exceed \$297,535.

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-129. This legislation will authorize the purchase of a 60' aerial unit with an F-750 truck base from Utility Truck Equipment of Circleville, Ohio for an amount not to exceed \$297,535 through the State Cooperative Purchasing Program.

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

No: None

Motion carried.

**Ordinance No. 22-129 adopted.**

Ordinance No. 22-131, AN ORDINANCE TO REZONE PERMANENT PARCEL NUMBER 04-00-018-128-232 AND PERMANENT PARCEL NUMBER 04-00-018-128-224 FROM A B-1 LIMITED BUSINESS DISTRICT TO AN R-3 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-131. This legislation will rezone PPN 04-00-018-128-232 and PPN 04-00-018-128-224 from a B-1 Limited Business District to an R-3 Multi-Family Residence District as approved by the Planning Commission on September 7<sup>th</sup>. This rezoning request follows the City's Comprehensive Land Use Plan.

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

No: None

Motion carried.

**Ordinance No. 22-131 adopted.**

Ordinance No. 22-132, AN ORDINANCE APPROVING THE FINAL PLAT FOR SOUTH PORT SUBDIVISION NO. 2 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-132. This legislation will approve the Final Plat for South Port Subdivision No. 2 consisting of 29 residential lots on 17.6149 acres located south of Walker Road between Lear Road and Treeside Lane in an R-1 Single-Family Residence as approved by the Planning Commission on September 7<sup>th</sup>.

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

No: None

Motion carried.

**Ordinance No. 22-132 adopted.**

First Readings:

Ordinance No. 22-134, AN ORDINANCE AWARDED A CONTRACT FOR THE INSTALLATION OF A 24" RCP STORM SEWER AND MANHOLES TO REHABILITATE THE GRA GULL DRIVE OUTFALL AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-134. This legislation will award a contract to Underground Utilities Inc. of Monroeville, Ohio in the amount of \$41,7216 for the installation of a 24" RCP storm sewer and manholes at Gra Gull Drive outfall. Outfalls drain stormwater into Lake Erie, and there are 36 in the City. Every outfall will be inspected to determine its condition, and rehabilitation work will be prioritized.

In response to Council President O'Donnell, City Engineer Fulton stated that she met with HOA members onsite and noted that their concern about depression in the lawn is the location where the new manhole will be installed, and the pipe will be repaired. She discussed the outfall pipe to the lake and couldn't verify its current condition, but it appeared to be fine and will be addressed if necessary.

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

No: None

Motion carried.

**Ordinance No. 22-134 adopted.**

Ordinance No. 22-135, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KS ASSOCIATES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-135. This legislation will authorize an agreement with KS Associates of Elyria for surveying and engineering design services for the Edgewood Drive outfall rehabilitation in an amount not to exceed \$37,774. The project will require authorization from the U.S. Army Corps of Engineers and Ohio Division of Natural Resources. The agreement stipulates that KS Associates will submit the necessary permits and prepare the construction drawings.

Assistant Public Works Director Ward confirmed that the potholes on Edgewood Drive, as noted by residents at a previous Council Meeting, were filled and other safety issues voiced by residents were resolved.

City Engineer Fulton stated that she visited the outfall site. GIS identified two private property owners and some public right-of-ways in that area. Where the street ends, a public right-of-way extends into the lake, and the stairwell and the deck may be in the public right-of-way. The first task for KS Associates will be to survey the area to determine the property lines and the location of the stairwell and deck. If it is in the public right-of-way, then it would be prudent to either remove the structure or barricade it until the safety issue has been resolved.

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

No: None

Motion carried.

**Ordinance No. 22-135 adopted.**

Ordinance No. 22-136, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KS ASSOCIATES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None



Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-136. This legislation will authorize an agreement with KS Associates of Elyria for surveying and engineering design services for the 31900 Lake Road outfall rehabilitation in an amount not to exceed \$42,116. The agreement stipulates that KS Associates will submit the necessary permits and prepare the construction drawings, but it does not include the Ohio EPA application fee of \$2,000.

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

No: None

Motion carried.

**Ordinance No. 22-136 adopted.**

Ordinance No. 22-137, 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-137. This legislation will permit the Finance Director to transfer funds totaling \$1,105,416.66 for October, November, and December 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

**Ordinance No. 22-137 adopted.**

Ordinance No. 22-138, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF HUMAN RESOURCES DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 81-2008, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None  
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-138. This legislation will adopt a job description for the position of Human Resources Director and repeal Ordinance 81-2008. Upon the resignation notice of HR Director Siwierka, the recent job description was updated by the HR Director to reflect the position's current duties and responsibilities. The City Administration has posted the impending vacancy and has interviewed prospective candidates.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber  
No: None  
Motion carried.  
**Ordinance No. 22-138 adopted.**

Ordinance No. 22-139, 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber  
No: None  
Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-139. This legislation will authorize the Finance Director to make supplemental appropriations, as follows: the donation of \$34,500 to the Community Improvement Corporation; \$536,206 to Avon Lake Regional Water, and \$50,000 for repairs to the Peter Miller House.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber  
No: None  
Motion carried.  
**Ordinance No. 22-139 adopted.**

Ordinance No. 22-140, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PART-TIME BUILDING INSPECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 47-2008, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 22-140. This legislation will adopt a job description for the position of part-time Building Inspector and repeal Ordinance No. 47-2008. Due to the expansion project at the Ohio Ford Motor Assembly Plant, there is a need to hire an additional inspector to facilitate the project. Therefore, the existing job description was updated by the HR Director and Chief Building Official to reflect the position's current duties and responsibilities.

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

No: None

Motion carried.

**Ordinance No. 22-140 adopted.**

Ordinance No. 22-141 AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ASSISTANT FIRE CHIEF, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 21-83, was read by title only.

This legislation will adopt a job description for the position of Assistant Fire Chief in the Fire Department and repeal Ordinance No. 21-83. Recently, the assignments of Fire Marshal were removed from the Assistant Fire Chief position, and this updated job description reflects that change.

Ordinance No. 22-142, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CAPTAIN IN THE FIRE DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 22-113, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will adopt a job description for the position of Captain in the Fire Department and repeal Ordinance No. 22-113. Upon the removal of the Fire Marshal's duties from the Assistant Fire Chief position, it was determined that one of the officers in the Captain's rank would assume those duties. An updated job description was passed in July (Ordinance No. 22-113); however, it did not support the Civil Service Commission's recommendation to include details of the Fire Marshal's duties instead of the one-line description. Therefore, the Fire Chief and HR Director updated the job description to reflect the Civil Service Commission's recommendation and to obtain their approval.

Ordinance No. 22-143, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF TIMOTHY GOLDEN TO THE POSITION OF PART-TIME BUILDING INSPECTOR IN THE BUILDING DEPARTMENT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-143. This legislation will confirm the Mayor's appointment of Timothy Golden to the position of part-time Building Inspector at the rate of \$48/hour effective October 10<sup>th</sup>. Mr. Golden is the Building Official for the City of Elyria, and his wages will be shared according to the mutual agreement between the Village of Sheffield and the City of Sheffield Lake.

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

No: None

Motion carried.

**Ordinance No. 22-143 adopted.**

Ordinance No. 22-144, 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-144. This legislation will amend Ordinance No. 21-89 (Wage Increases for Full-Time Non-Bargaining Employees) by increasing the hourly wage of the Administrative Assistant to the Mayor by 3% or \$26.22/hour to \$27.01/hour.

Mayor Zilka stated that when wage adjustments for other non-bargaining employees were approved, his Administrative Assistant, Mary Krupar, was overlooked. Mrs. Krupar excels in her position and recently became the supervisor for the newly created position of Front Desk Assistant, which is operating effectively.

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

No: None

Motion carried.

**Ordinance No. 22-144 adopted.**

Ordinance No. 22-145, AN ORDINANCE AUTHORIZING THE MAYOR TO ESTABLISH COMPENSATION FOR PART-TIME EMPLOYEES, REPEALING ORDINANCE NO. 66-2016 AND ORDINANCE NO. 74-2019 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish the Mayor's ability to hire part-time employees up to the hourly wage of \$18 and repeal Ordinance No. 66-2016 which set the hourly wage at \$16.40. The City has been experiencing difficulties employing part-time staff, as other employers have encountered, and the Human Resources Committee recommended increasing the hourly wage to entice people to join the City's workforce and stay competitive.

Resolution No. 22-146, A RESOLUTION ACKNOWLEDGING ACCEPTANCE OF A CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 22-146. This legislation will acknowledge acceptance of a Pass-Through Grant from the Ohio Department of Natural Resources under House Bill No. 597 of the 134<sup>th</sup> General Assembly of the State of Ohio. The approved grant funding for costs associated with the construction of a park and recreation or conservation facility is in the amount of \$212,500 for the Walker Road Park Retention Basin Project. ODNR will assess an administrative fee of \$4,250.00, which will be shared equally with the City of Bay Village.

Law Director Ebert stated that the City of Bay Village had planned to use the grant funds at Cahoon Park but decided to transfer the funds to Walker Road Park to help mitigate drainage issues and to expand the retention basin.

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

No: None

Motion carried.

**Ordinance No. 22-146 adopted.**

Ordinance No. 22-147, AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE RELATED TO THE DEER MANAGEMENT PLAN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. David moved for passage of Ordinance No. 22-147. This legislation will authorize the Cooperative Agreement with the U.S. Department of Agriculture to continue the City's Deer Management Plan, which began in 2014, at a cost not to exceed \$37,236. The data collected shows that this Plan has been successful. According to the Plan, the goal for deer/motor vehicle accidents is 15 or fewer and deer carcass pickups are 30 or fewer. Last year, there were 14 deer/motor vehicle accidents compared to 24 in 2014; and, 28 deer carcasses were collected compared to 81 in 2014. Fifty-two tags were collected

across 10 active sites, and the meat harvested was donated to the Second Harvest Food Bank. The 2022/2023 Plan has been expanded to increase access for both city-owned property and privately-owned properties with the permission of the property owners. The Avon Lake Environmental Affairs Advisory Board reviewed and recommended this expanded program.

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

No: None

Motion carried.

**Ordinance No. 22-147 adopted.**

Ordinance No. 22-148, AN ORDINANCE PROVIDING FOR THE DEFENSE OF THE CITY OF AVON LAKE IN AN ACTION FILED BY PARKPLAY SOLUTIONS, LLC, CASE NO. 22CV205108 AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-148. This legislation will provide the City with legal defense by Seeley, Savidge, Ebert & Gourash Co., LPA of Westlake, Ohio in the amount not to exceed \$10,000 for an action filed by ParkPlay Solutions, LLC.

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

No: None

Motion carried.

**Ordinance No. 22-148 adopted.**

Ordinance No. 22-149, AN ORDINANCE ESTABLISHING THE INFRASTRUCTURE CAPITAL IMPROVEMENT FUND AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish the Infrastructure Capital Improvement Fund 220 which will facilitate the recording of revenues and expenses for all infrastructure capital improvements associated with Issue 20.

Finance Director Presley stated that establishing this fund, in anticipation of a successful increase in the municipal income tax slated for the November 8<sup>th</sup> ballot, will be warranted to record revenues from the amount produced by one-quarter percent (0.25%) of the municipal income tax that will be deposited beginning January 1, 2023.

The fund will be used to pay 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.

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Zuber congratulated Councilman Spaetzel, in advance, of the scheduled induction as the President of the Avon Lake Kiwanis Club on Thursday, September 29<sup>th</sup>. He noted that Councilman Zach Arnold was a past president and several other members of Council are current or former members of the Kiwanis Club.

## **PUBLIC INPUT**

Marty Patton, 398 Cottonwood Court, Avon Lake addressed Council regarding Charah Solutions as a resident and member of EAAB. Mr. Patton voiced his concerns regarding the remediation of the Power Plant that Charah Solutions, as the property owner, has taken, and he listed a series of questions (attached) and asked that the Administration and Council would seek answers on his behalf.

Rob Shahmir, 31705 Driftwood Court, Avon Lake, addressed Council regarding Charah Solutions as a resident and member of EAAB and continued with the list of questions.

Mayor Zilka stated that the questions will be directed to Charah Solutions, Avon Lake Environmental Redevelopment Group (ALERG), and Deigan & Associates, and he deferred further comments to Mr. Arnold, as Chair of the Economic Development Committee.

Mr. Arnold stated that a meeting was held on September 16<sup>th</sup> regarding the Power Plant, which included Mr. Shahmir, and the questions posed are follow-up questions from that meeting.

Mrs. Fenderbosch stated that Mr. Shahmir attended the Materials Management Advisory Council meeting in Columbus with her. After the meeting concluded, they met with the Division Directors for Brownfields, which was very informative.

Mr. Patton re-addressed Council and stated Lisa Shook from the Ohio EPA has offered to be available should the City schedule a Town Hall meeting.

## Text Message

Ron Holub, 32862 Lake Road, Avon Lake asked if the repaving project on Walker Road was inspected and stated that he noticed ponding on the road this evening due to the heavy rain.

City Engineer Fulton responded that the project was inspected, and she will investigate the ponding issue in the morning.

**EXECUTIVE SESSION**

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

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

No: None

Motion carried.

Adjournment: 9:27 P.M.

**RECONVENING OF COUNCIL MEETING**

The Council Meeting was reconvened at 9:54 P.M.

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

Adjournment: 9:54 P.M.

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

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