

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
OCTOBER 24, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on October 24, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch led the Council, staff, and public in the Pledge of Allegiance.

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

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

APPROVAL OF MINUTES

The minutes of the September 26, 2022 Council Meetings were approved as prepared and published.

MAYOR'S REPORT

In the City Engineer's absence, Mayor Zilka provided updates on some of the following Public Works Projects:

- 2022 Concrete Street Program has been completed; a punch list needs to be finalized.
- Moore Road Paving Project is nearing completion and will be opened by the end of this week.
- City Hall Staircase Project will require a change order of approximately \$6,000. The contractor discovered poor soil during the excavation and additional excavation and foundation support will be needed.
- Stormwater outfalls to Lake Erie were evaluated, and some are lower than others. The high-water levels in Lake Erie and these lower outfalls have created some problems. *A picture of an outfall filled with debris was displayed.* Unfortunately, staff in the Public Works Department are not trained to be in confined spaces, and they cannot clear this area due to the potential that they may encounter dangerous gases. Therefore, the City Engineer will obtain quotes to have the work contracted.

COUNCIL PRESIDENT'S REPORT

Since Monday, October 31st is the fifth Monday of the month, Council will not meet. The next Collective Committee Meeting will be held on Monday, November 7th at 7:00 p.m. in the Council Chamber.

The next Council Meeting will be held on Monday, November 14th at 7:00 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, November 14th at 6:00 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the meeting of the Public Safety and Health Committee held on Wednesday, October 19th. The following items were discussed: 1) Eastern Lorain County Emergency Response Team (ELCERT). The ELCERT is comprised of the cities of Avon Lake, Avon, and North Ridgeville. If approved, Avon Lake will withdraw from the Lorain County SWAT team. 2) Amendments to Chapter 840, Canvassing and Door-to-Door Solicitation. 3) Capital budget requests of the Police Chief and Fire Chief. 4) Purchase of up to eight flashing blinker stop signs. The locations will be determined by ETAI Kelly Marton and Chief Molnar. The proposed locations are the intersections of Jaycox Road and Electric Boulevard; Moore Road and Electric Boulevard; and Lear Road and Electric Boulevard.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Thursday, October 27th at 7:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, November 1st at 7:00 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held on Wednesday, October 26th at 7 p.m. in the Council Chamber.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, November 9th at 7 p.m. at the Old Firehouse and Community Center. A representative from the Ohio Division of Forestry, who has been assigned as the City's Urban Forester, will attend the meeting via Zoom.

MOTION

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance 22-162 pursuant to Codified Ordinance Section 220.19(b). The contractor in Ordinance No. 22-162 is a client of Mr. Arnold. Therefore, he has a conflict of interest and requested permission to abstain from voting.

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

No: None

Absent: David

Motion carried.

LEGISLATION

Council President O'Donnell moved to add Ordinance No. 22-165.

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

No: None

Absent: David

Motion carried.

Third Readings:

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.

Mr. Zuber moved for passage of Ordinance No. 22-141. 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.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-141 adopted.

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.

Mr. Zuber moved for passage of Ordinance No. 22-142. 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 with a 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. Therefore, the Fire Chief and HR Director updated the job description to reflect the Civil Service Commission's recommendation.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-142 adopted.

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

Council President O'Donnell moved for passage of Ordinance No. 22-149. This legislation will establish the Infrastructure Capital Improvement Fund 220 which will facilitate the recording of revenues and expenses for infrastructure capital improvements associated with Issue 20.

Mrs. Fenderbosch stated that if Issue 20 passes, the City will receive two payments from the municipal income taxes collected. One will be the usual RITA disbursement, and the other will be for the additional .25% collected. The additional funds of .25% will not go into the general fund but into Fund 220 that has been designated as the Infrastructure Capital Improvement Fund.

Mr. Arnold stated that he will vote no on this legislation because he does not support Issue 20.

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

No: Arnold

Absent: David

Motion carried.

Ordinance No. 22-149 adopted.

First Readings:

Ordinance No. 22-158, AN ORDINANCE CONFIRMING THE APPOINTMENT OF ALEX RUSH 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: Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-158. This legislation will confirm the appointment of Alex Rush to the position of Police Officer in the Police Department effective December 19th. Mr. Rush will attend the Lorain County Community College Police Academy in January 2023 and registration into the academy is required now. While he is attending the Police Academy, his salary will be 90% of the Step 1 salary of \$29.98/hour. After he graduates and obtains OPOTA certification, he will receive the full Step 1 hourly rate.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-158 adopted.

Ordinance No. 22-159, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 130-2014, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-159. This legislation will adopt a job description for the position of Finance Director and repeal Ordinance No. 130-2014. Upon the resignation of the Finance Director and as the Administration searches for his replacement, the HR Director updated the job description to reflect the duties of the position more accurately.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-159 adopted.

Ordinance No. 22-160, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PUBLIC WORKS DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 128-2014, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-160. This legislation will adopt a job description for the position of Public Works Director and repeal Ordinance No. 128-2014. The Public Works Director retired last May, and the position has remained vacant while an organizational study of the department was conducted. The HR Director, with input from Council members, updated the job description to support the study and accurately reflect the qualifications required and duties to be performed in this position.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-160 adopted.

Ordinance No. 22-161, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PLANNING AND ZONING MANAGER II IN THE COMMUNITY DEVELOPMENT DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Planning and Zoning Manager II in the Community Development Department. According to City Charter Section 65, the Civil Service Commission will review the job description and offer its recommendation for its classification and exemption status.

Ordinance No. 22-162, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT BETWEEN THE CITY OF AVON LAKE, THE CITY OF SHEFFIELD LAKE, THE VILLAGE OF SHEFFIELD, AND BRAMHALL ENGINEERING AND SURVEYING COMPANY REGARDING SITE PLAN REVIEW FOR STORMWATER MANAGEMENT RELATED TO THE EXPANSION OF THE FORD MOTOR COMPANY OHIO ASSEMBLY PLANT AND DECLARING OF AN EMERGENCY, was read by title only.

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

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

No: None

Abstention: Arnold

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-162. This legislation will authorize a cooperative agreement between Sheffield Lake, the Village of Sheffield, and Bramhall Engineering regarding the site plan review for stormwater management of the 2.5 million square foot expansion at the Ohio Assembly Plant.

Mayor Zilka stated that the other communities passed similar legislation two weeks ago. This cooperative agreement will streamline the efforts of the Ford Motor Company rather

than having to manage the expansion project between three municipalities. Avon Lake will handle the stormwater management aspect of the expansion since it is the most efficient method for Ford Motor Company. They are very appreciative that the municipalities have agreed to work collectively on the project.

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

No: None

Abstention: Arnold

Absent: David

Motion carried.

Ordinance No. 22-162 adopted.

Ordinance No. 22-163, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE TO ENTER AN AGREEMENT FOR EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter an agreement on behalf of the City to participate in the Eastern Lorain County Emergency Response Team (ELCERT). This is a multi-jurisdictional agreement with the cities of Avon and North Ridgeville. Upon passage by Council, Avon Lake will withdraw from Lorain County SWAT team.

The ELCERT partnership is a smaller, regional approach that will provide an official, rapid response to violent criminal activity which will result in improved services on behalf of the citizens in these three subdivisions and increase the safety of the officers involved.

Ordinance No. 22-164, 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: Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-164. This legislation will authorize the Finance Director to correct an error in the duplication of funds and to make supplemental appropriations into the Police Pension Fund in the amount of \$287,659, the Fire Pension Fund in the amount of \$287,644, and the Water Fund in the amount of \$536,206.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-164 adopted.

Ordinance No. 22-165, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ENTERPRISE FLEET MANAGEMENT FOR THE LEASING OF CITY VEHICLES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-165. This legislation will authorize the Mayor to execute a contract with Enterprise Fleet Management to lease vehicles on behalf of the City.

Mrs. Fenderbosch stated that a representative from Enterprise attended the Finance Committee meeting to explain its program. Enterprise has engaged over 1,600 communities in the United States, and locally with the cities of Beechwood, North Ridgeville, Willowick, and Willoughby. This program is through the state bid company, Sourcewell. Enterprise has a representative dedicated to municipal entities. They buy vehicles and lease them to a municipality and visit the community three or four times per year to see how the vehicles work within the city's departments and to check the marketplace. The vehicles are purchased within a small window of time allowed by the manufacturer. The Ford Motor Company opens municipal purchasing for 2023 in the early part of November. The proposal is to have Enterprise purchase 16 to 18 vehicles that would be leased to the City. The yearly cost to lease up to 18 vehicles is the equivalent of the cost to purchase a few vehicles. Enterprise handles the re-sale of existing vehicles. In the first year, the City will deal with smaller trucks through the program because of the current age of our vehicles. Also, the resale value of F250s is greater than the resale value of F350s. The program isn't exclusive to Ford vehicles, and vehicles from other manufacturers can be purchased. The Finance Director is working with the Enterprise representative directly, and the only Council involvement was conducted at the Finance Committee meeting.

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

No: None

Absent: David

Motion carried.

Ordinance No. 22-165 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Leaf pickup in the City has begun, and the daily pickup schedule is available on the City's website (www.avonlake.org). Residents are reminded to place only leaves on the tree

lawns. Branches or other debris cannot be collected at this time. Also, leaves can be bagged in yard waste bags and picked up by Kimble Trash and Recycling.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David

Motion carried.

Adjournment: 7:37 P.M.

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

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