

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
OCTOBER 11, 2022**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on October 11, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

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

Absent: David Kos and Finance Director Presley.

**APPROVAL OF MINUTES**

The minutes of the September 12, 2022, Council Meeting were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka attended the performance of the play, "An Evening at the Black Whale Inn". This play was written by resident Sherry Spencer. Ms. Spencer wrote an excellent script about the prohibition era that showcased the roles the City and past residents played during this time. All proceeds benefitted the Avon Lake Historical Society.

A special meeting of Planning Commission was held Monday, October 10<sup>th</sup> to consider the request of Rumpke Waste and Recycling to build a Transfer Station on Pin Oak Parkway. The meeting was well attended. Rumpke's representatives presented their request to the Planning Commission, followed by audience participation. After 20 people spoke, one of Rumpke's representatives addressed the Planning Commission and withdrew their request because it was evident that the residents would not support a Transfer Station.

Mayor Zilka stated that was the first time he witnessed an applicant withdraw their request before Planning Commission voted on a case. The residents were passionate and respectful. He noted that it was unclear if the truck drivers would pay income taxes to the City or if they would pay income taxes to the jurisdictions where they collected the trash. The income tax revenue, however, would have been quite small. It was estimated to be over \$15,000. Another concern for the City would have been the need to widen Moore Road and to rebuild SR 83 and possibly Pin Oak Parkway. The cost of hosting Rumpke would have been substantial. The City would have received some property tax revenue, but the majority of the revenue would have gone to the schools. Rumpke was

not brought to Avon Lake as an economic opportunity. The Lorain County Solid Waste Director contacted Avon Lake as a county economic development prospect.

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

The next Collective Committee Meeting will be held on Monday, October 17<sup>TH</sup> at 7:00 p.m. in the Council Chamber.

The next Council Meeting will be held on Monday, October 24<sup>th</sup> at 7:00 p.m. in the Council Chamber.

The first meeting for the 2023 Budget will be held Saturday, October 22<sup>nd</sup> at 8 a.m. in the Council Chamber.

### **LAW DIRECTOR'S REPORT**

Law Director Ebert agreed with Mayor Zilka's comments about the special Planning Commission meeting. He stated that participants were cordial and respectful. The meeting was well run by the Chair of the Planning Commission. Rumpke's withdrawal was a surprise, and the residents have benefitted from their decision.

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

Mrs. David reported that the October meeting of the Communications, Environmental, and Recreational Programming Committee was canceled due to a lack of agenda items.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Arnold reported on the meeting of the Economic Development Committee held October 3<sup>rd</sup>. The main topic discussed was an update on the redevelopment of the Power Plant. The meeting was attended by residents, who are also members of the Environmental Affairs Advisory Board. Their presence was motivated by their concerns that the owner, Charah Solutions, Inc., will follow the Ohio EPA mandates on remediation, and that all steps will be taken to restore the property in an environmentally friendly manner.

### **FINANCE COMMITTEE REPORT**

Council President O'Donnell reported on the meeting of the Finance Committee held October 10<sup>th</sup>. The following items were discussed: 1) Fleet Management with Enterprise; 2) 2023 Budget Meeting schedule; 3) additional legal fees to Todd Davis for legal representation regarding the brownfields at the Power Plant; and 4) funding for crack sealing on select City roads with additional discussion at the next Public Service Committee meeting.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the meeting of the Human Resources Committee held earlier. The following topics were discussed: 1) Police Officer appointments; 2) Engineering Technical Aide I appointments; 3) the hiring of two full-time Laborers for the Public Works Department; 4) bonus incentive for seasonal employees; 5) job descriptions for Finance Director, Planning & Zoning Manager I, and Public Works Director; and 6) an employee's request to defer one week of vacation time from 2022 to 2023.

The next meeting of the Human Resources Committee will be held on Monday, November 14<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 Wednesday, October 12<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, November 1<sup>st</sup> 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 26<sup>th</sup> at 7 p.m. in the Council Chamber.

## **PARKS & RECREATION COMMISSION REPORT**

Mrs. David reported on the meeting of the Parks & Recreation Commission held September 28<sup>th</sup>. The following topics were discussed: 1) seasonal wages for summer staff; 2) rental fees and the process of renting public facilities; 3) the Fish Cleaning Station add-ons; and 4) Avon Lake Play Space.

## **CITIZENS TREE COMMISSION REPORT**

The next meeting of the Citizens Tree Commission will be held on Wednesday, October 19<sup>th</sup> at 7 p.m.

Mrs. Fenderbosch reported that at the next meeting of the Citizens Tree Commission, the Commission will consult with the Division of Forestry on expanding an Urban Forestry Program in Avon Lake, which the Commission will oversee. Also, there will be discussion about hiring an Urban Forester, the position's job description, tree inventory and software needs. The purpose for the tree inventory is to determine the City's base. Then software will be used via a handheld device that displays which trees are at risk, diseased, or infested. Public outreach will occur that will educate residents of their part

in the urban forest. The Commission will be preparing a mission statement for the urban forestry program, a strategic plan, a work plan, the yearly calendar, and a master plan.

## **ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT**

Mrs. David reported on the meeting of the Environmental Affairs Advisory Board held October 5<sup>th</sup>. Representatives from Rumpke Waste & Recycling attended the meeting to provide information on the Transfer Station and answer questions. Some members of the Board researched Rumpke's business practices. They traveled to other Rumpke facilities and interviewed neighboring businesses. Based on their research, the Board presented a response to the Planning Commission. The Board has partnered with the Avon Lake Public Library and will offer to the public monthly educational seminars on environmental topics in 2023.

## **MOTION**

Mr. Zuber moved to accept the resignation of Steven J. Presley as full-time Finance Director effective October 11, 2022. Mr. Presley accepted a full-time position with the City of Avon effective October 10, 2022.

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

No: None

Absent: Kos

Motion carried.

## **LEGISLATION**

Mr. Arnold moved to add Ordinance No. 22-157 to the agenda.

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

No: None

Absent: Kos

Motion carried.

## **Second 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.

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 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.

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.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-145.

Mr. Zuber moved to amend Ordinance No. 22-145 Section No. 1 from \$18 per hour to \$20 per hour. The Human Resources Committee agreed to increase the hourly wage to \$20 per hour rather than offer bonuses and other incentives.

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

No: None

Absent: Kos

Motion carried.

*Discussion on Motion for Passage -*

This legislation will establish the Mayor's ability to hire part-time employees up to the hourly wage of \$20.00 and to repeal Ordinance No. 66-2016 which set the hourly wage at \$16.40. The City has been experiencing difficulties employing part-time staff, and the Human Resources Committee recommended this increase to entice people to join the City's workforce and stay competitive.

*Vote on Motion for Passage -*

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 22-145 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 infrastructure capital improvements associated with Issue 20.

First Readings:

Ordinance No. 22-150, AN ORDINANCE CONSENTING TO BRIDGE INSPECTION SERVICES BY ODOT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-150. This legislation will authorize the City's consent to receiving bridge inspection services by the Ohio Department of Transportation. As a member of the Local Public Agency, the City participates in the Bridge Inspection Program services, which are fully funded by the state.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 22-150 adopted.**

Resolution No. 22-151, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO FOR THE RESURFACING OF LAKE ROAD (U.S. 6) PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos  
Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 22-151. This legislation will authorize the Mayor to enter into a contract with the State of Ohio for the Lake Road Resurfacing Project. The estimated cost of the project is \$1,289,720. The City will assume 100% of the entire cost of the project less the amount of Federal aid funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

Yes: David, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Absent: Kos  
Motion carried.  
**Resolution No. 22-151 adopted.**

Resolution No. 22-152, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

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

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

Council President O'Donnell moved for passage of Resolution No. 22-152. This legislation will accept the tax rates for 2023 as determined by the Lorain County Budget Commission based on the estimate provided by the County Auditor.

Yes: David, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Absent: Kos  
Motion carried.  
**Resolution No. 22-152 adopted.**

Ordinance No. 22-153, AN ORDINANCE PROVIDING FOR THE DESIGNATION OF NORTHWEST BANK, LORAIN NATIONAL BANK, US BANK, FIFTH THIRD BANK, KEY BANK, HUNTINGTON NATIONAL BANK, FIRST FEDERAL OF LAKEWOOD, AND DOLLAR BANK AS PUBLIC DEPOSITORIES OF THE CITY AND AWARDED THE DEPOSIT OF ACTIVE FUNDS, REPEALING ORDINANCE NO. 21-35, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: David, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold  
No: None

Absent: Kos  
Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 22-153. This legislation will designate all local banks used by the City as depositories for a period ending January 1, 2025, and repeal Ordinance No. 21-35. The Finance Director determined that Dollar Bank should be added as a City depository and recommended this legislation.

Yes: David, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Absent: Kos  
Motion carried.  
**Ordinance No. 22-153 adopted.**

Ordinance No. 22-154, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF STEVEN J. PRESLEY TO THE POSITION OF PART-TIME FINANCE DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 22-154. This legislation will appoint Steven J. Presley as part-time Finance Director from October 12, 2022, up to and including December 31, 2022, at an annualized salary of \$78,786 payable biweekly.

Mr. Arnold stated that Mr. Presley will work in this part-time capacity to help the City with year-end reports and the 2023 budget preparation while the City searches for his replacement.

Yes: David, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold  
No: None  
Absent: Kos  
Motion carried.  
**Ordinance No. 22-154 adopted.**

Ordinance No. 22-155, AN ORDINANCE APPROVING THE FINAL PLAT FOR LEGACY ISLE SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY, was read by title only.

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

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



Absent: Kos  
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-155. This legislation will approve the final plat for Legacy Isle Subdivision No. 1, consisting of 30 residential lots on 25.9357 acres located south of Legacy Pointe Parkway and west of Jaycox Road in an R-1 Single-Family Residence District and approved by Planning Commission on October 4th.

Jim O'Connor of Pulte Homes, 387 Medina Road, Medina, Ohio addressed Council as follows: The Legacy Isle subdivision fits within the larger Legacy subdivision and is surrounded by the golf course. Construction is completed of 60 homes in Phase 1 that are comprised of single-family, clusters, or town homes. Pulte Homes controls all construction logistics. The initial construction route was Walker Road, southbound on Jaycox Road, and into the subdivision. The construction route for Phase 2 has changed and is now routed to Diamond Head, English Turn, and into the subdivision.

Mrs. Fenderbosch explained that there is an island at the entrance at Jaycox Road that has been difficult for some trucks to maneuver that caused curb damage. Pulte Homes has repaired all damage. The entrance used now (Diamond Head) does not have an island, and it is easier for trucks to turn into and out of the subdivision.

Mr. O'Connor stated that Pulte Homes publishes a monthly construction report. Any damage is noted in the report, and it will be repaired. The plans include additional detention ponds. Basins have been enlarged to relieve stormwater in the area and provide a new access point beyond the existing dam for better flow and to prevent backups. Extensive rear yard drainage networks have been incorporated into the design to collect all stormwater in Legacy Isle. The plat documents consist of financial security and bonding documents, two HOA documents for single-family and condominium properties, and a long-term maintenance agreement.

Mrs. Fenderbosch stated that the long-term maintenance agreement is required with the new Planning and Zoning Code.

In response to Council President O'Donnell, Mr. O'Connor stated that the housing prices are \$400,000 and up.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 22-155 adopted.**

Ordinance No. 22-156, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR PORT WEST SUBDIVISION NO. 4 WITH CONDITIONS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-156. This legislation will authorize the improvement plans for Port West Subdivision No. 4, consisting of 36 single family lots, on the south side of Walker Road between Piccolo Place and Ambleside Drive within an R-1 Single Family Residential Planned Unit Development Zoning District and approved by Planning Commission on October 4<sup>th</sup> with the condition that the applicant appropriate its fair share of the cost for a traffic study and a traffic signal, if warranted, no later than the final plat of Subdivision No. 5.

Jim O'Connor of Pulte Homes, 387 Medina Road, Medina, Ohio addressed Council as follows: The approval of Phase 4 allows Pulte Homes to begin the physical development of the infrastructure and improvements according to the amended general development plan which resulted in a slight shift in the road to create a buffer for the wetlands. This phase will have cluster style homes, with the lots approximately 55' wide. The average selling price is \$560,000, and the average for the larger executive series is \$750,000. Construction on the pool and clubhouse will begin. The key component was the impact of traffic. This summer, traffic was substantial; however, Moore Road was under construction and the road blocked at various times creating additional traffic on Walker Road. It was suggested that the traffic study be delayed until conditions normalize. Then a true reading of the traffic patterns can be analyzed.

Council President O'Donnell asked who will determine if a traffic study is warranted.

Mrs. Fenderbosch responded that the City Engineer will work with the Police Department to determine its justification. The reason the condition was placed after the last phase of the development is to memorialize it within the recorded document.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 22-156 adopted.**

Ordinance No. 22-157, AN ORDINANCE PROVIDING FOR LEGAL COUNSEL AND ENVIRONMENTAL CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos  
Motion carried.

Mr. Arnold moved for passage of Ordinance No. 22-157. This legislation will authorize the legal fees of Todd Davis as he continues to represent the City regarding the brownfield redevelopment on the west end of the City in an amount up to \$35,000.

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

No: None

Absent: Kos

Motion carried.

**Ordinance No. 22-157 adopted.**

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mrs. David expressed her appreciation to Mr. Kos for his efforts in organizing another successful "Boo By the Woods". This event grows bigger and better every year due to the hard work of volunteers and City staff from the Public Works Department.

### **PUBLIC INPUT**

Garth Peterson, 156 Curtis Avenue, Avon Lake addressed Council to offer his appreciation to Chief Molnar, who provided him with traffic data in Avon Lake; City Council, who endorsed the traffic study on Walker Road and Port West; and the Fire Department for their response to the fire at Redwood Boulevard.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 7:58 P.M.

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

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