

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
NOVEMBER 14, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on November 14, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Council President O'Donnell 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; and Clerk of Council Valerie Rosmarin.

Absent: David Kos and Finance Director Presley.

APPROVAL OF MINUTES

The minutes of the October 11, 2022 Council Meetings were approved as prepared and published.

MAYOR'S REPORT

Issue 20, the proposed income tax increase to build a new fire station, to repair the roof, and to replace the HVAC at the Safety Center, along with infrastructure improvements, was rejected by the voters. City officials respect the decision of the residents and will study other options to fund the facility in the future. The City's population will continue to grow which will increase the demands of the safety forces as they provide the needed services residents have come to expect.

A ribbon-cutting ceremony was held for Susan's Sugar & Spice, LLC. New residents, Susan Zeyer and her husband, Donovan, opened this bakery in Towne Center at the former location of Mimzie's Bakery.

HR Director Mary Siwierka recently completed the Cleveland State Leadership Academy. She was voted outstanding fellow of the Class of 31 by her classmates. The academy is a nationally certified program, and the class body is comprised of state and local government leaders. As a community outreach project, the Class of 31 organized a golf outing for the Cleveland Christian Home. The Cleveland Christian Home works with children and families struggling with mental illness, abuse, and neglect. Through HR Director Siwierka's leadership, the Class of 31 raised over \$120,000.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, November 21st at 7:00 p.m. in the Council Chamber.

The next Council Meeting will be held on Monday, November 28th at 7:00 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held on Monday, November 28th at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Monday, November 21st at 5:30 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the meeting of the Human Resources Committee held earlier. The following topics were discussed: 1) the appointment of a new Finance Director; 2) the appointment of a new Public Works Director; 3) the appointment of two Engineering Technical Aides; 4) the appointment of two Laborers in the Public Works Department; 5) the appointments of a full-time and part-time Police Dispatcher; 6) an increase in the roster of full-time Police Dispatchers in the Police Department from four to five; 7) the salaries of the Mayor and Council; 8) the appointments of the members of the Community Relations Board; 9) the Codified Ordinance replacement of 278.05, and 10) the Urban Forester position.

The next meeting of the Human Resources Committee will be held on Monday, December 12th 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, November 17th at 7:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, December 6th 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, December 7th at 7 p.m. in the Council Chamber.

PARKS AND RECREATION COMMISSION REPORT

The next meeting of the Parks and Recreation Commission will be held on Wednesday, November 16th at 5:30 p.m. at the Lake House.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, December 14th at 7 p.m. at the Old Firehouse and Community Center.

A representative from the Ohio Division of Forestry will tour the City with some of the City's Department Heads, Council members, and Citizens Tree Commission members. The purpose of this tour is to view the tree inventory, its conditions, and to identify any high-risk hazardous trees to prioritize the work of the Public Works Department. Trees are a very important part of the City's infrastructure, and it is estimated that the green infrastructure, or main canopy of trees, is valued at \$23 million.

MOTIONS

Mrs. Fenderbosch moved to confirm the Mayoral appointment of Terry Robison to the Citizens Tree Commission for a three-year term commencing January 1, 2023 and expiring December 31, 2025. Mr. Robison holds a Ph.D. in Forestry and is retired from the Cleveland Metroparks. After filling the vacated seat of member Jean Sekulic, he has agreed to continue to serve for another term.

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

No: None

Absent: Kos

Motion carried.

Council President O'Donnell moved to accept the donation of the Lake Shore Railway Baggage Car #38 from the Beach Park Railway Board of Directors. Mr. Tom Patton and his wife, Tomi Patton, graciously offered to donate to the City the historical baggage car located in the shopping center on Lake Road. The new owner of the shopping center has agreed to allow the baggage car to remain in its current location.

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved to accept the resignation of Police Officer Lynden Ody effective October 31, 2022. Mr. Ody has resigned and accepted a position with the City of Avon.

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

No: None
Absent: Kos
Motion carried.

LEGISLATION

Mr. Zuber moved to add Ordinance No. 22-183.

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

Second Readings:

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. 22-163, 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.

First Readings:

Ordinance No. 22-167, 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 for three readings.

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

Mr. Spaetzel moved for passage of Ordinance No. 22-167. This legislation will authorize the Mayor to execute an agreement with KS Associates of Elyria, Ohio in the amount of \$49,983.00 to rehabilitate and extend the sewer outfall at 31922 Lake Road. There are 36 outfalls into Lake Erie, and the City is working on long-term plans to improve them.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-167 adopted.

Ordinance No. 22-168, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH SIXMO, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mrs. David moved for passage of Ordinance No. 22-168. This legislation will authorize the Mayor to execute a contract with Sixmo, Inc. of Cleveland, Ohio in an amount not to exceed \$62,400.00 for professional architectural design services related to the criteria architect phase of the design-build project for a new playground system in Bleser Park.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-168 adopted.

Ordinance No. 22-169, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 840, CANVASSING AND DOOR-TO-DOOR SOLICITATION, was read by title only.

This legislation will amend Chapter 840 on canvassing, solicitation, and peddling. The Police Chief recommended these amendments to simplify and bring a clearer understanding of the language to City staff, the Police Department, and the public.

In response to Mrs. Fenderbosch, Mr. Spaetzel stated that political candidates are considered canvassers, and they are not required to observe the Do Not Knock Registry.

Ordinance No. 22-170, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO FORD POLICE UTILITY VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 22-170. This legislation will authorize the purchase of two 2023 Ford Police Utility vehicles from Chapman Ford of Marysville, Ohio for the total amount of \$84,054.00. The purchase of these vehicles was placed in the 2022 budget.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-170 adopted.

Ordinance No. 22-171, AN ORDINANCE DECLARING A MORATORIUM ON NEW CONDITIONAL USE PERMITS IN THE LAKE ROAD FOCUS AREA PURSUANT TO CODIFIED ORDINANCE SECTION 1214.03 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will declare a one-year moratorium on new conditional-use permits in the Lake Road focus area. If approved, it will be the third time a moratorium has been enacted in this location according to the Comprehensive Land Use Plan. Any existing conditional use will not be affected by this moratorium. Since there could be changes in this area due to the Power Plant redevelopment that may include rezoning, a moratorium will not affect this development but will demonstrate the City's control of its zoning.

Ordinance No. 22-172, AN ORDINANCE ESTABLISHING THE COMMUNITY DEVELOPMENT DEPARTMENT PURSUANT TO AVON LAKE CITY CHARTER SECTION 36 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish the Community Development Department. The Administration has recommended that the Economic Development Department merge with the Planning and Zoning Departments, and this will codify this new department. Upon its codification, the HR Director and Human Resources Committee will work to develop other aspects of the department, such as job descriptions.

Ordinance No. 22-173, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH SET IN STONE CONTRACTORS, LLC AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Absent: Kos
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-173. This legislation will approve a change order to the contract for the 2022 Concrete Street Program with Set in Stone Contractors, LLC of Seville, Ohio in the amount of \$26,363.64. During the project, Set in Stone discovered that extra stone needed to be added to the base of three of the streets in the program.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-173 adopted.

Ordinance No. 22-174, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC. FOR THE LOR-US6-18.52 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mrs. Fenderbosch moved for passage of Ordinance No. 22-174. This legislation will authorize the Mayor to negotiate an agreement with the Mannik & Smith Group, Inc. of Shaker Heights to design pedestrian safety improvements that will include sidewalks, ADA-compliant curb ramps, and pedestrian crossings from SR 83 to the eastern corporation limit of Bay Village.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-174 adopted.

Ordinance No. 22-175, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF EDWARD A. WIDMAN TO THE POSITION OF 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 for three readings.

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

Mr. Zuber moved for passage of Ordinance No. 22-175. This legislation will appoint Edward A. Widman to the position of Finance Director for a term concurrent with the term of the Mayor for the annual salary of \$130,000 effective December 1st.

Mr. Widman was introduced and addressed Council.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-175 adopted.

Ordinance No. 22-176, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF KEVIN BRUBAKER TO THE POSITION OF PUBLIC WORKS 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 for three readings.

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

Mr. Zuber moved for passage of Ordinance No. 22-176. This legislation will appoint Kevin Brubaker to the position of Public Works Director for a term concurrent with the Mayor for the annual salary of \$110,000.00 effective December 1st.

Mr. Brubaker was introduced and addressed Council.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-176 adopted.

Ordinance No. 22-177, AN ORDINANCE CHANGING THE AUTHORIZED FULL-TIME PERSONNEL ROSTER OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 22-177. This legislation will increase the number of Police Dispatchers/Records Clerks in the Police Department from four to five. Due to the anticipated retirement of a Police Dispatcher, the Police Chief recommended hiring another Police Dispatcher to facilitate the transition and train new personnel. After the Police Dispatcher retires, legislation to return the roster to four Police Dispatchers will be presented along with an increase in the position of Police Officer from 19 to 21.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-177 adopted.

Ordinance No. 22-178, AN ORDINANCE CONFIRMING THE APPOINTMENT OF REBECCA PAYNE AS FULLTIME POLICE DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 22-178. This legislation will appoint Rebecca Payne as a full-time Police Dispatcher/Records Clerk in the Police Department at the Step 3 rate of \$23.64/hour effective December 1st. Ms. Payne has been employed with the City as a part-time Police Dispatcher and was on the civil service eligibility list as a viable candidate.

Yes: O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch
No: None
Absent: Kos
Motion carried.
Ordinance No. 22-178 adopted.

Ordinance No. 22-179, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF AMANDA GALLAGHER AS PART-TIME POLICE DISPATCHER/RECORDS CLERK IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-179. This legislation will appoint Amanda Gallagher as part-time Police Dispatcher/Records Clerk in the Police Department at the hourly rate of \$21.63 effective November 21st. Ms. Gallagher has prior experience as a Police Dispatcher and will fill the vacancy that will occur upon the hiring of Ms. Payne.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-179 adopted.

Ordinance No. 22-180, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOSEPH WHITELY AS ENGINEERING TECHNICAL AIDE I IN THE PUBLIC WORKS DEPARTMENT AND REPEALING ORDINANCE NO. 22-91 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-180. This legislation will appoint Joseph Whitely as Engineering Technical Aide I in the Public Works Department at the Step 3 rate of \$34.44/hour effective November 21st and repeal Ordinance No. 22-91. Mr. Whitely was employed in this position temporarily (Ordinance No. 22-91) while the Civil Service Commission developed the exam and created the eligibility list. He was one of four candidates on the eligibility list and selected based on his knowledge and experience.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-180 adopted.

Ordinance No. 22-181, AN ORDINANCE CONFIRMING THE APPOINTMENT OF RAYMOND BURNER 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 for three readings.

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-181. This legislation will appoint Raymond Burner as Engineering Technical Aide I in the Public Works Department at the Step 1 rate of \$29.97/hour effective December 1st. Mr. Burner participated in the civil service exam and was one of four candidates on the eligibility list. Based on his knowledge and experience, he was selected for the position.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-181 adopted.

Ordinance No. 22-182, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JOHN GALIPPO AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-182. This legislation will appoint John Galippo as Laborer in the Public Works Department at the Step 1 rate of \$25.95/hour effective December 1st. Mr. Galippo participated in the civil service exam and was on the eligibility list. He was one of the top candidates interviewed previously, and he was selected based on his knowledge and experience.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-182 adopted.

Ordinance No. 22-183, AN ORDINANCE CONFIRMING THE APPOINTMENT OF WILLIAM TROWBRIDGE AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 22-183. This legislation will appoint William Trowbridge as Laborer in the Public Works Department at the Step 1 rate of \$25.95/hour effective December 1st. Mr. Trowbridge participated in the civil service exam and was on the eligibility list. He was selected based on his knowledge and experience.

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

No: None

Absent: Kos

Motion carried.

Ordinance No. 22-183 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch announced that Cleveland.com reported that the Avon-on-the-Lake Garden Club will hold a monarch tagging event this winter at a cost of \$15. This news report was incorrect. There is no charge for this event, and it will not occur until the Summer of 2023. For further information, please contact Elaine George, President of the Avon-on-the-Lake Garden Club.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: Kos

Motion carried.

Adjournment: 8:06 P.M.

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

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