

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
DECEMBER 19, 2022**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on December 19, 2022, at 7:41 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, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Widman; City Engineer Fulton; and Clerk of Council Valerie Rosmarin.

PUBLIC HEARING

The Public Hearing was opened at 7:41 p.m.

Mrs. Fenderbosch presented the amendments to Planning and Zoning Code 1236.05(c) Sign Standards. The new code requires businesses to seek approval from the Planning Commission before they order and install a sign at their establishment. This can create delays in the opening of a new business, and it is expensive. The code also requires existing businesses, that are national franchises, to seek approval even for a time when their logo has changed. To streamline this process, sign applications will be processed through the Administration.

The recommended change to the Planning and Zoning Code 1236.05(c) is:

“sign request not related to use or development that requires a site plan approval may be approved administratively by the Code Administrator provided that such request adheres to all the applicable requirements listed in this section. The Code Administrator may have the option to defer sign requests to the Planning Commission for approval. “

The following will be eliminated from the code: “This shall also include any changes to signs, except for sign face changes, even if there are no changes to the use or other site structures.”

The Public Hearing was closed at 7:46 p.m.

APPROVAL OF MINUTES

The amended minutes of the November 28, 2022 Council Meeting were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka reflected on the City's actions in 2022. There were many new employees along with some resignations and retirements. He acknowledged the efforts of the new Finance Director Ed Widman and Public Works Director Kevin Brubaker to get acclimated in their new positions. Some projects were placed on hold due to the economy while others were completed. One project completed was the Walker Road repaving which occurred in two phases and included portions on the east and west sides of SR 83. In 2023, residents can look forward to the repaving of Lake Road which will include bike lanes. Due to the challenge of Avon Lake Play Space (ALPS), the City has re-started this project and is currently finalizing the selection and review process.

The economy has changed in many ways, and the City's income tax revenues have increased because many residents are working from home. The City commissioned the company of Raftelis to conduct an operational and organizational study of the Public Works Department. Based on the Raftelis report, several recommendations have been implemented. The report suggested that the department increase the number of employees by six. Initially, three employees were hired with the intention to review the staffing numbers within a year to determine if more are needed.

Many compliments from residents regarding the public service that the City employees provide were received. Despite the challenges in the economy, homes in Avon Lake are being constructed, and there have been 99 home starts in 2022. This increase and the increase in the population will impact City services, including police and fire, and some challenges still need to be resolved at the Safety Center. The City will need to find a new path and direction to meet these needs of the safety forces to better serve the residents.

COUNCIL PRESIDENT'S REPORT

City offices will be closed on Monday, January 2nd, and Council will not meet that evening.

The rescheduled Collective Committee Meeting will be held on Monday, January 9th at 7:00 p.m. followed by a Council Meeting.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Thursday, January 12th at 6:30 p.m. in the Council Chamber.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the Community Improvement Corporation (CIC) meeting held on December 13th. The CIC and Charah Solutions (Charah) have begun meeting regularly to discuss the demolition of the Power Plant and the progress of Charah's mitigation efforts.

Charah has been transparent about their plans, and they will keep the City informed about any scheduled projects. Their timeline is similar to what they initially projected. They will provide more information about their plans for the next two and a half years at the next CIC meeting on January 13th at 9 a.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, January 9th 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, January 5th at 7:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, January 3rd at 7:00 p.m. in the Council Chamber.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, January 11th at 7:00 p.m. at the Old Firehouse and Community Center.

Some members of Council, the Administration, the Citizens Tree Commission, and staff from the Public Works Department will meet with ODNR Urban Forester Stephanie Miller on Friday, January 6th at 1 p.m. After that meeting, they will tour Avon Lake with Urban Forester Miller, who will identify areas that are high-risk and offer ideas on how to boost the City's canopy.

MOTIONS

Mr. O'Donnell moved to approve the 2023 City Council Calendar.

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

No: None

Motion carried.

Mrs. David moved to confirm the Mayor's re-appointment of Nick Perry to the Digital Media Commission for a three-year term commencing January 1, 2023 and ending December 31, 2025.

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

No: None

Motion carried.

Mr. Kos moved to confirm the Mayor's reappointment of Cheryl Lister to the Historical Preservation Commission for a two-year term commencing January 1, 2023 and ending December 31, 2024.

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

No: None

Motion carried.

Mrs. David moved to confirm the Mayor's re-appointment of Kara Erdmann to the Parks and Recreation Commission for a three-year term commencing January 1, 2023 and ending December 31, 2025.

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

No: None

Motion carried.

Mr. Zuber moved to appoint Karla Fitch and re-appoint Sam Hemoud to the Community Relations Board for two-year terms commencing January 1, 2023 and ending December 31, 2024.

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

No: None

Motion carried.

Council President O'Donnell moved to confirm the Mayor's appointment of Chip Minnich, Scott Orille, Rob Schofield, Ryan McDavid, and Celia Bajda to the 2023 Charter Review Commission.

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

No: None

Motion carried.

Council President O'Donnell moved to appoint Mike Gordillo, Rob James, Sean Plunkett, and Jennifer Copfer to the 2023 Charter Review Commission.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to authorize the Public Works Department to advertise for bids for the 2023 Asphalt Street Program.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to authorize the Public Works Department to advertise for bids for the 2023 Concrete Street Program.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to approve the Avon Lake Tree Commission Strategic Plan.

The Ohio Division of Forestry recommended that the Citizens Tree Commission develop a strategic plan that consists of their vision, mission statement, goals, and objectives along with an annual review, plan of actions and its implementation.

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

No: None

Motion carried.

Mr. Zuber moved to accept the resignation of Thomas Horseman, as the Plumbing Inspector in the Building Department, effective November 7, 2022.

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

No: None

Motion carried.

Council President O'Donnell moved to reaffirm the current boundary lines of the wards in the City of Avon Lake until additional information on the census is available by the State and reviewed by City Council as per the Avon Lake City Charter Section 3A.

Since the City has not received accurate census data, the Law Director recommended City Council establish that no changes will be made to any ward boundary lines at this time.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

Ordinance No. 22-189R, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR FISCAL YEAR 2023 AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for the passage of Ordinance No. 22-189R. This legislation will authorize the Finance Director to appropriate funds for the 2023 budget as developed from budget meetings conducted with the Administration and City Council.

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

No: None

Motion carried.

Ordinance No. 22-189 adopted.

Second Readings:

Ordinance No. 22-190, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

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

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

No: None

Motion carried.

Mrs. David moved for the passage of Ordinance No. 22-190. This legislation will amend the pool fees and the all-day rental of the Folger Home and Lake House which is located in the General Fee Schedule. The Recreation Director and the Parks and Recreation Commission recommended a nominal increase in the pool fees to supplement the lifeguard wages to remain competitive and offset the increased costs of pool chemicals. If residents purchase their season passes before May 15th, they will receive a discounted price. The all-day rental will be increased by \$100 for residents and \$150 for non-residents.

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

No: None

Motion carried.

Ordinance No. 22-190 adopted.

Ordinance No. 22-191, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH CHAGRIN VALLEY ENGINEERING, LTD. 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, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Council President O'Donnell moved for the passage of Ordinance No. 22-191. This legislation will authorize the Mayor to execute a professional services agreement with Chagrin Valley Engineering, Ltd. of Bedford, Ohio at a cost not to exceed \$75,000. When the Public Works Director retired, CVE Engineers Beth Fulton and Matt Jones were hired to oversee the City's road projects and storm water management and introduce and continue with policies and procedures in the Engineering Department.

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

No: None

Motion carried.

Ordinance No. 22-191 adopted.

Ordinance No. 22-194, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH JESS LAKE COMPANY LLC WITHIN THE COMMUNITY REINVESTMENT AREA, REPEALING ORDINANCE NO. 21-97, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for the passage of Ordinance No. 22-194. This legislation will authorize the Mayor to enter into a CRA Tax Incentive Agreement with Jess Lake Company LLC and repeal Ordinance No. 21-97. Previously, the owners of the Goddard School obtained a 10-year 100% tax abatement. They have now decided to reduce their expansion plans and build a smaller structure, and the project cost will be reduced to \$350,000. The employees hired will now be three to seven full-time employees and one to three part-time employees. These revisions were approved by the CRA Housing Council and the Avon Lake City School Board.

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

No: None

Motion carried.

Ordinance No. 22-194 adopted.

Ordinance No. 22-195, AN ORDINANCE AMENDING PLANNING AND ZONING CODE SECTION 1236.05(c), ENTITLED SIGN STANDARDS, 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

Motion carried.

Mrs. Fenderbosch moved for the passage of Ordinance No. 22-195. This legislation will amend Planning and Zoning Code Section 1236.05(c) pertaining to the standards of signs within the City. The Community Development Department noticed that the process for sign approval by the Planning Commission for simple sign changes was cumbersome and recommended that approval should be completed by the Code Administrator in these instances. The Planning Commission approved this amendment, and a Public Hearing was held earlier in this meeting.

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

No: None

Motion carried.

Ordinance No. 22-195 adopted.

First Readings:

Ordinance No. 22-197, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO & CLC LOCAL 1-865 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for the passage of Ordinance No. 22-197. This legislation will authorize the Mayor to enter into a three-year labor agreement with the Union and the employees in the Utilities Department. The employees will receive a 4% increase in their hourly wage in the first year of the agreement and a 2% increase in the second and third years. Routine language issues were negotiated in and out of the contract, and one specific issue pertained to civil service. The employees bargained to be removed from civil service. Law Director Ebert issued an opinion that was provided to City Council and the Civil Service Commission and will be sent to the State Personnel Board of Review (SPBR) in Columbus. The removal of civil service will not affect the wage increases but it could affect the contract based on SBPR's response.

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

No: None

Motion carried.

Ordinance No. 22-197 adopted.

Ordinance No. 22-198, AN ORDINANCE AMENDING ORDINANCE NO. 22-154 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for the passage of Ordinance No. 22-198. This legislation will amend Ordinance No. 22-154 by extending the service of the part-time Finance Director (Steve Presley) up to and including January 15, 2023.

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

No: None

Motion carried.

Ordinance No. 22-198 adopted.

Ordinance No. 22-199, AN ORDINANCE AMENDING ORDINANCE NO. 22-196 APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT WITH PRECISION PAVING, INC. FOR THE WALKER ROAD PAVING PROJECT PHASE 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

Motion carried.

Mrs. Fenderbosch moved for the passage of Ordinance No. 22-199. This legislation will amend Ordinance No. 22-196 regarding the change order amount with Precision Paving, Inc. of Milan, Ohio for the Walker Road Paving Project Phase I (west of SR 83) from \$62,812.13 to \$48,409.59 due to an error in calculating the final cost of the project.

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

No: None

Motion carried.

Ordinance No. 22-199 adopted.

Ordinance No. 22-200, AN ORDINANCE RATIFYING THE REDUCTION TO THE CONTRACT WITH PRECISION PAVING, INC. FOR THE WALKER ROAD PAVING PROJECT PHASE 2 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

Motion carried.

Mrs. Fenderbosch moved for the passage of Ordinance No. 22-200. This legislation will ratify the reduction to the contract with Precision Paving, Inc. of Milan, Ohio for the Walker Road Paving Project Phase 2 (east of SR 83) in the amount of \$48,409.59.

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

No: None

Motion carried.

Ordinance No. 22-200 adopted.

Ordinance No. 22-201, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR QUICK RESPONSE TEAM BETWEEN ALCOHOL AND DRUG ADDICTION SERVICES BOARD OF LORAIN COUNTY, CITY OF AVON LAKE, AND THE LCADA WAY, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for the passage of Ordinance No. 22-201. This legislation will authorize the Mayor to enter into an agreement for the Quick Response Team with Lorain County and The LCADA Way effective October 1, 2022 through September 29, 2023. The Quick Response Team's mission is to help save the lives of residents living with addiction by addressing overdose encounters and providing overdose survivors with access to treatment while offering support and resources to their families.

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

No: None

Motion carried.

Ordinance No. 22-201 adopted.

Ordinance No. 22-202, 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Council President O'Donnell moved for the passage of Ordinance No. 22-202. This legislation will authorize the Finance Director to make supplemental appropriations.

Finance Director Widman provided the following details at the Collective Committee Meeting held earlier:

- 1) Increases were made to the Income Tax Transfer 204 Fund in the amount of \$3.5 million. Of that amount, \$3 million will be transferred to the Income Tax Capital Improvement Fund 207 and \$500,000 to the General Fund. Also, increases to the General Government in the amount of \$23,000 and Safety Services Communications in the amount of \$780,105.

- 2) Reductions were made to Public Works in the amount of \$2.4 million, Police in the amount of \$35,000, Recreation in the amount of \$175,000, and Fire in the amount of \$45,000.
- 3) The Special Assessment Bonds were increased due to the increase in the Lorain County Auditor's fees and the changes to the Enterprise Fund that were received from the Regional Board.
- 5) Other increases were made to the General Fund in the amounts of \$2,850 for the Plans Examiner, \$70,000 for special counsel, \$326,000 for small projects in Public Works, \$92,300 for RITA fees, \$21,100 for outside legal counsel, and \$36,000 for street lights.
- 6) \$25,000 for COP SRO (Community Oriented Police, School Resource Officer) will be transferred from the Police budget and an additional \$50,000 for the Digital Media Department.

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

No: None

Motion carried.

Ordinance No. 22-202 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. David, Ward I Representative, announced that she will not seek re-election when her term expires on December 31, 2023 and pledged to fulfill her duties until the end of her term. She expressed her gratitude for the relationships she has formed with her constituents and the residents who serve on the commissions she represents. Also, she acknowledged the service of the Administration and City Council in their efforts to improve the City.

If anyone is interested in running for this position, petitions are available through the Lorain County Board of Elections.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:32 P.M.

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

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