

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
DECEMBER 12, 2022**

The regular meeting of the Avon Lake Municipal Council was called to order on December 12, 2022, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Spaetzel 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; Finance Director Presley; City Engineer Fulton; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the November 7, 2022 special Council Meeting and November 14, 2022 regular Council Meeting were approved as prepared and published.

LEGISLATION

Second Readings:

Ordinance No. 22-189, 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.

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.

Finance Director Presley reported that after the final budget meeting held on December 10th, he and Finance Director Widman updated the detailed budget sheets, finalized the capital improvement accounts, and incorporated amendments to the 2023 appropriations for tonight's second reading. Also, included in this legislation are the appropriations for Avon Lake Regional Water.

Finance Director Presley was excused from the meeting.

MAYOR'S REPORT

Mayor Zilka and Community Development Director Esborn attended the North Coast Holiday Luncheon at Fratello's. Ron Heldorfer the owner, announced at the luncheon that Fratello's is celebrating its 30th anniversary.

A ribbon-cutting ceremony was held for Lake T Apparel located at 150 Lear Road with owner Chris Kreitzer and her family in attendance. Lake T Apparel offers Avon Lake-related apparel and memorabilia along with Avon Lake photography from Andy Fowkes of AF Photography.

Light Up the Park was held Friday evening on December 2nd. The weather was pleasant, and the event was well attended. The Moore family, who live on Crestwood and won last year's house lighting contest, received the honor of flipping the switch to light the park.

Chief Building Official Carleton informed Mayor Zilka that there were 99 housing starts in 2022, which is the highest number the City has had in the past 10 years.

A swearing-in ceremony will be held for State Representative Joe Miller on Wednesday, December 22nd at noon at the Avon Lake Public Library. Mayor Zilka will administer the Oath of Office.

Shop Local, the City's annual event to support local businesses, will hold its annual drawing at Ridge Cleaners on Friday, December 16th at 4 p.m. The lucky winner will receive \$2,200 in gift cards donated by local businesses.

On August 22nd Mayor Zilka announced that HR Director Mary Siwierka submitted her resignation with an effective date to be determined after her replacement was found. She withdrew her resignation on November 7th explaining that she has re-evaluated her position at Avon Lake after several leadership changes occurred, her goals and career commitments, and various personnel actions that have had dramatic effects on the City's workforce.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held Monday, December 19th at 7:00 p.m. followed by the last Council Meeting of the year.

Since New Year's Day falls on Sunday, 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.

FINANCE DIRECTOR'S REPORT

Finance Director Widman informed Council that they will receive an ARPA report, and a supplemental appropriation ordinance will be presented at the Council Meeting on December 19th.

BUILDING AND UTILITIES COMMITTEE REPORT

Mr. Spaetzel reported on the meeting of the Building and Utilities Committee held on December 8th. At that meeting the following topics were discussed: 1) the projects from 2022; and 2) the projects in 2023 and their budget.

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 Economic Development Committee meeting held on December 5th. The following topics were discussed: 1) the Ahern property that is for sale. There is a purchaser for a portion of the property that includes the banquet center. The other parcels for sale have wetlands. 2) the revised tax abatement for Goddard School for an addition that will be constructed.

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 SAFETY AND HEALTH COMMITTEE REPORT

The Public Safety and Health Committee meeting scheduled for Wednesday, December 14th has been canceled.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Thursday, December 15th 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.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting held on December 7th as follows: 1) an area variance was granted for the construction of a detached garage at 297 Inwood Boulevard; 2) two area variances were granted for the construction of an addition at 124 Miller Road; and 3) three area variances were withdrawn for the housing of chickens at 389 Avon Belden Road.

Regarding the proposed sign revisions to the Planning & Zoning Code, Mayor Zilka stated that the code has been interpreted very narrowly, and it is obvious that it needs to be less restrictive. Since it currently requires Planning Commission's involvement for minor changes, the signage process is unwieldy for new businesses. Therefore, he supports the revisions as recommended.

PARKS AND RECREATION COMMISSION REPORT

Mrs. David reported on the following recreational programs available for registration: high school basketball leagues; Deck the House - residents are encouraged to submit their photos or nominate a house, and the Holiday Lights Tour on December 14th.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, December 14th at 7:00 p.m. at the Old Firehouse and Community Center.

Mrs. Fenderbosch stated that Mayor Zilka brought the idea of Tree City USA to the City 28 years ago. Today, the City applied for Tree City USA along with an application for the Growth Award. To be eligible for this award, a community must have 10 points (based on their criteria), and the City has 13 points. The members of the Citizens Tree Commission and employees in the Public Works Department and Recreation Department have worked with the Division of Forestry to achieve their goals.

MOTIONS

Mrs. Fenderbosch moved to authorize the Mayor to lease a 2022 Chrysler Pacifica passenger van for the Recreation Department from Enterprise Fleet Management.

Mrs. Fenderbosch stated the Finance Director recommended that the City add to its fleet by obtaining a lease. Unfortunately, Ford models are not available which is the City's preference.

Mr. Zuber voiced his support for this vehicle because a new van is needed but stated his frustration with the selection process. He noted that the staff from the Public Works Department and the drivers of the van were not consulted on the type of van to be leased or that the program would be moved to the Recreation Department and under the direction of Director Fach.

Mrs. Fenderbosch explained that this van is an eight-seater, and it does not have a lift. The existing van does have a lift and has recently undergone \$2,500 in repairs. Funds will be in the 2023 budget for another van.

Mayor Zilka stated that the community van program will be transferred to the Recreation Department, and Director Fach is willing to manage it. This change makes sense since

the program services the senior community, and the Recreation Department has staff that works with seniors at the Senior Center.

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

No: None

Motion carried.

Mr. Kos moved to authorize the purchase of a 2023 4 x 4 Ford F-150 Super Crew Cab for the Police Department in the amount of \$31,110.

Mr. Kos stated that, usually, the Police Department purchases three vehicles per year, but the cost of vehicles has increased significantly. Chief Molnar and his staff purchased two police vehicles this year to stay within the intended budget. This purchase is for the third vehicle that is needed by the department. Its initial cost was \$49,000 but it was reduced to \$31,110 as a result of two trade-ins.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Ordinance No. 22-161R, 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.

Mr. Zuber moved for the passage of Ordinance No. 22-161R. 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 reviewed the job description and recommended the position be classified and the FLSA status is exempt.

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

No: None

Motion carried.

Ordinance No. 22-161R adopted.

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

Mr. Kos moved for the passage of Ordinance No. 22-169R. This legislation will amend Chapter 840 on canvassing, solicitation, and peddling. The Police Chief recommended these amendments to remove redundancies and provide clarification with the

terminology to help City staff, the Police Department, and the public have a better understanding of the code.

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

No: None

Motion carried.

Ordinance No. 22-169R 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.

Mrs. Fenderbosch moved for passage of Ordinance No. 22-171. 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. Businesses in this area that have an existing conditional use will not be affected by the moratorium.

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

No: None

Motion carried.

Ordinance No. 22-171 adopted.

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.

Mrs. Fenderbosch moved the passage of Ordinance No. 22-172. This legislation will establish a new department entitled, Community Development Department. The Administration has recommended that the Economic Development Department merge with the Planning and Zoning Departments and codify this new department. Upon its codification, the HR Director and the Human Resources Committee will work to develop other aspects of the department, such as job descriptions.

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

No: None

Motion carried.

Ordinance No. 22-172 adopted.

First Readings:

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

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.

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.

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. CVE will provide engineering consulting services that include residential issues, public sewer, water supplies, drainage, building grades, technical support, policy knowledge, and representation at Council Meetings. For the past seven months, they have offered their assistance on projects within various departments and have helped organize old projects and oversee the completion of new projects.

Mr. Arnold stated that he raised questions about CVE's contract at the Collective Committee Meeting regarding costs and equity with their \$75,000 retainer. City Engineer Fulton resolved his concerns after that meeting.

Ordinance No. 22-192, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH DUNLOP & JOHNSTON, INC. 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 the passage of Ordinance No. 22-192. This legislation will approve a change order to the contract with Dunlop & Johnston, Inc. of Valley City, Ohio in the amount of \$8,466 to install carpet tiles and carpet base in the offices on the north side of the building that were not initially included in the bid. Architects Clark & Post originally had carpet planned for the area where the stairwell would be placed. It was decided that the adjoining offices needed replacement carpet and now is the time to install carpeting in those locations as well. Therefore, this change order is warranted.

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

No: None

Motion carried.

Ordinance No. 22-192 adopted.

Ordinance No. 22-193, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH DUNLOP & JOHNSTON, INC. 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 the passage of Ordinance No. 22-193. This legislation will approve a change order to the contract with Dunlop & Johnston, Inc. of Valley City, Ohio in the amount of \$12,703 to provide additional foundation support because unstable soils were discovered during the excavation. Unfortunately, the core samples obtained before the bid found the soils were of good quality. Therefore, this change order is warranted.

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

No: None

Motion carried.

Ordinance No. 22-193 adopted.

Ordinance No. 22-194, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER 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.

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.

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

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 will be held on December 19th.

Ordinance No. 22-196, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH PRECISION PAVING, INC. 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 the passage of Ordinance No. 22-196. This legislation will approve a change order to the contract with Precision Paving, Inc. of Milan, Ohio for the Walker Road Paving Project Phase 1 (west of SR 83) for an additional substrate of this section. Precision Paving, Inc. also received the bid for the Walker Road Paving Project Phase 2 (east of SR 83), and this phase was completed first and was underbudget. Therefore, additional funds need to be transferred from the Phase 2 fund to the Phase 1 fund in the amount of \$62,812.13.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Motion carried.
Ordinance No. 22-196 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos announced that the annual Toys for Tots campaign has concluded and thanked everyone who participated. Through all the generous donations, he was able to fill a truck with toys for Lorain County children in need. The toys will be distributed December 17th.

Mrs. Fenderbosch announced that residents can place leaves on their tree lawns until December 21st which is the end of the leaf season.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(4), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the labor contract with Avon Lake Regional Water.

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

Adjournment: 7:46 P.M.

RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 8:04 P.M.

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

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:08 P.M.

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

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