

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JANUARY 23, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on January 23, 2023, 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, 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.

APPROVAL OF MINUTES

The minutes of the Council Meeting on December 19, 2022 were approved as prepared and published.

MAYOR'S REPORT

Mayor Zilka announced that the Lorain County Office on Aging home meals for Avon Lake residents and surrounding communities are being shifted to Neighborhood Alliance. Earlier this year, Neighborhood Alliance notified Mayor Zilka about their acquisition of the home-delivered meals program and informed him that their agency also provides emergency shelter, homeless outreach, daily meal deliveries, nutrition services including an emergency food pantry, socialization and activities for seniors, child care and child enrichment programs, and access to family support programs for those in need. They have offered senior meals since the late 1980s and 2021, providing 154,416 meals across Lorain County to 864 individuals on 11 delivery routes.

On tonight's agenda, Council will consider authorizing the City to participate in the Neighborhood Alliance home-delivered meals program. Mayor Zilka noted that the previous program, Meals on Wheels, served the City of Avon Lake well for over 30 years.

Ward meetings for Wards 1 and 2 will be held Wednesday, March 1st at Learwood Middle School from 7 p.m. to 9:00 p.m. and Wards 3 and 4 will be held Wednesday, March 15th at Troy Intermediate School from 7:00 p.m. until 9:00 p.m.

The State of the City presentation will be conducted at a Kiwanis meeting on Wednesday, March 29th at the Avon Lake Public Library at 7 p.m.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, February 6th at 7:00 p.m.

The next Council Meeting will be held on Monday, February 13th at 7:00 p.m.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Thursday, February 9th at 6:30 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE

Mrs. David reported on the meeting of the Communications, Environmental, and Recreational Programming Committee held earlier. The following items were discussed: 1) reorganization of the Digital Media Department to the Communications and Technology Department which will offer enhanced technology services within City departments; and 2) implementation of an Enterprise Management System for parcel and asset management.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held on Monday, February 6th at 6:00 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, February 13th 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 January 18th. The following items were discussed:

- 1) the addition of turn arrow signals to the intersection of Walker Road and Lear Road.
- 2) the enforcement of the prohibition of parking on Lake Road. Due to the repaving of Lake Road, increased measures to ensure bicycle safety will be taken. The City currently prohibits parking on Lake Road; however, this prohibition is not always followed by contractors or landscapers, and heavy vehicles tend to create safety issues and damage to the bike lanes and road surface. Previously, the Police Department has contacted contractors and landscapers at the beginning of the season to remind them of this prohibition. This year that outreach will be expanded to include the homeowners on the north side of Lake Road. Homeowners will not be cited but they will be informed to bring awareness of the prohibition.
- 3) the ODOT US Bike Route Signage Project; 4) the speed limit for Webber Road; 5) overnight parking in the City; 6) the Weiss Field Dog Park rules; 7) the Lexipol renewal contract for the Fire Department; and 8) the Medicount Agreement for the EMS billing.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported on the meeting of the Public Service Committee held earlier. The following items were discussed: 1) the appointment of a Code Administrator; 2) the pedestrian crosswalk at Walker Road and Armour Road and Lear Road and Creekside Drive; 3) the advertisement of bids for the 2023 Street Tree Program; 4) the three-year water slide maintenance agreement; 5) the water slide resurfacing proposal; and 6) the advertisement of bids for crack sealing.

The next meeting of the Public Service Committee will be held on Tuesday, February 14th at 7:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, February 7th 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, January 25th at 7:00 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, January 25th at 5:30 p.m. at the Lake House.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mrs. David reported that last year the Environmental Affairs Advisory Board conducted an Environmental Survey. Based on the results of the survey, a series of educational workshops will be presented throughout the year to the public in collaboration with the Avon Lake Public Library. On Tuesday, February 21st at 7:00 p.m. at the Avon Lake Public Library, a workshop entitled, "Make, Thread, Mend" will offer ideas on how to repurpose your wardrobe from thrift shop purchases. Registration is available at www.AvonLake.org.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, February 8th at 7:00 p.m. at the Old Firehouse and Community Center.

MOTIONS

Mrs. Fenderbosch moved to authorize the Public Works Department to advertise for bids for construction inspection services. The Administration recommended the City outsource construction inspection services to allow the City's engineers to remain in the

office to focus on their engineering duties that include the implementation of new software, oversight of six active subdivisions, and other required tasks. Therefore, contracting construction inspection services is warranted for departmental efficiency.

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 cracking sealing. The City has contracted PMG to inspect and videotape the condition of all City streets. PMG will provide its findings in April which will identify all streets in need of crack sealing. Crack sealing is applied to extend the life of the street after it has aged three to five years.

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 Street Tree Program. This will allow the Engineering Department, within the Public Works Department, to advertise for bids as subdivisions are 80% developed. When a subdivision applies to the Planning Commission for final site plan approval, City fees are collected for a tap-in, grading, and street trees. The Tree Commission will work with the Ohio Urban Forester to select tree species for that subdivision. Typically, there is one active subdivision in the City, but currently there are six active subdivisions. To make the process efficient and seamless, the City will go out for bid at this time for those subdivisions.

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

No: None

Motion carried.

LEGISLATION

First Readings:

Ordinance No. 23-3, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR COASTAL ENGINEERING CONSULTANT SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute professional services agreements with Wade Trim of Cleveland, Ohio, and KS Associates of Elyria, Ohio. A Request for Qualifications (RFQ) was published, and the City received four responses. A team within the Administration reviewed the RFQs and recommended the approval of five-year agreements with these two companies.

City Engineer Fulton stated that these companies will be considered “on-call” contracts. After outfalls are inspected and prioritized, the City will assign the work based on the availability of the company and their capacity to work expeditiously.

Ordinance No. 23-4, AN ORDINANCE PROVIDING FOR TRANSFERS 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. 23-4. This legislation will permit the Finance Director to transfer funds totaling \$1,654,167.00 for January, February, and March as follows:

\$916,667.00 General Fund
\$500,000.00 Income Tax Improvement Fund
\$187,500.00 General Bond Retirement Fund
\$ 50,000.00 Recreation Fund

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

No: None

Motion carried.

Ordinance No. 23-4 adopted.

Ordinance No. 23-5, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2023, REPEALING ORDINANCE NO. 22-189R, 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. 23-5. This legislation will authorize the Finance Director to make appropriations for the 2023 budget and repeal Ordinance No. 22-189R. Due to an error, \$1,600,000 was budgeted for Fund 400 Capital Projects but \$2,350,000 should have been appropriated. Therefore, Ordinance No. 22-189R was repealed upon the passage of Ordinance No. 23-5.

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

No: None

Motion carried.

Ordinance No. 23-5 adopted.

Ordinance No. 23-6, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF COMMUNICATIONS AND TECHNOLOGY DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 21-61, 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. 23-6. This legislation will adopt a job description for the Communications and Technology Director, formerly known as the Digital Media Director, and repeal Ordinance No. 21-61. A decision was made to change the name of the Digital Media Department to Communications and Technology to reflect the new responsibilities this department will manage concerning the City's telephone system and internal computers. These tasks were previously handled by the former Finance Director.

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

No: None

Motion carried.

Ordinance No. 23-6 adopted.

Ordinance No. 23-7, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF TECHNOLOGY COORDINATOR IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION AND REPEALING ORDINANCE NO. 21-62, 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. 23-7. This legislation will adopt a job description for Technology Coordinator, formerly known as the Production Coordinator, and repeal Ordinance No. 21-62. This position will replace Ordinance No. 21-62 by adding responsibilities relating to the City's computer and telephone systems and removing production duties associated with City's television studio.

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

No: None

Motion carried.

Ordinance No. 23-7 adopted.

Ordinance No. 23-8, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SENIOR PRODUCTION ASSISTANT IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 21-63, was read by title only.

This legislation will adopt a job description for the full-time position of Senior Production Assistant and repeal the part-time position of Senior Production Assistant, (Ordinance No. 21-63). Due to the expanded responsibilities this position will acquire because of the repealed position (Production Coordinator) through its removal of production tasks with the television studio, the Administration recommended this position become full-time.

Ordinance No. 23-9, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PRODUCTION ASSISTANT IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 21-64, 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. 23-9. This legislation will adopt a job description for the position of Production Assistant by changing the department name from Digital Media to Communications and Technology and repeal Ordinance No. 21-64. This is a part-time position, and the duties and responsibilities will remain the same.

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

No: None

Motion carried.

Ordinance No. 23-9 adopted.

Ordinance No. 23-10, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF COMMUNICATIONS SPECIALIST IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 21-65, 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. 23-10. This legislation will adopt a job description for the position of Communications Specialist by changing the department name from Digital Media to Communications and Technology and repealing Ordinance No. 21-65. This is a part-time position, and the duties and responsibilities will remain the same.

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

No: None

Motion carried.

Ordinance No. 23-10 adopted.

Resolution No. 23-11, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE STATE OF OHIO FOR THE LPA FEDERAL- LET PROJECT 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. 23-11. This legislation will authorize the Mayor to enter into a contract with the Ohio Department of Transportation about Project LOR CR 610-0.91 at the cost of \$86,835 for the pedestrian flashing crosswalks at Walker Road and Armour Road and Lear Road and Creekside Drive.

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

No: None

Motion carried.

Ordinance No. 23-11 adopted.

Ordinance No. 23-12, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR WATER SLIDE SERVICE AGREEMENT WITH SLIDE RENU® AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into a three-year renewal water slide service maintenance agreement with Slide Renu of Westerville, Ohio for the annual amount of \$7,785.

Ordinance No. 23-13, AN ORDINANCE APPOINTING TED ESBORN AS CODE ADMINISTRATOR PURSUANT TO PLANNING AND ZONING CODE SECTION 1212.05 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. 23-13. This legislation will appoint Ted Esborn as Code Administrator to aid in the administration and enforcement of the Planning and Zoning Code. Mr. Esborn has been serving as the Acting Code Administrator for the past several months, and upon passage, he will be officially placed in this role.

Law Director Ebert voiced his support for this ordinance. He stated that Mr. Esborn is well-equipped for this role and has been organizing cases on behalf of the Planning Commission since last year. He and his staff member, Austin Page, have managed the Departmental Review Committee which was organized to expedite the planning and zoning process of business owners and developers.

Yes: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold
No: None
Motion carried.
Ordinance No. 23-13 adopted.

Ordinance No. 23-14, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH JONES & HENRY LTD. AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Spaetzel moved for the passage of Ordinance No. 23-14. This legislation will approve a change order in the amount of \$900 to the contract with Jones & Henry Ltd. of Toledo for CALDP (Central Avon Lake Drainage Project) Phase 2 for engineering services to complete the design improvements for the stormwater collection system that drains the ODOT stormwater basin.

Mayor Zilka explained that CALDP was started over 15 years ago to make the undeveloped property accessible and allowed the development of housing south of Walker Road between SR 83 and Moore Road. The landowner and builders are assessed fees when construction begins. That fee is placed into a fund to build stormwater infrastructure in the CALDP area. Before the project was approved, development in that area did not occur, and through its creation, property values have increased.

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

Ordinance No. 23-14 adopted.

Ordinance No. 23-15, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NEIGHBORHOOD ALLIANCE 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. 23-15. This legislation will authorize the Mayor to enter into an agreement with Neighborhood Alliance in the amount of \$61,000 to participate in the home-meals delivery service provided to homebound seniors in Avon Lake, effective January 1st through December 31st.

Mayor Zilka stated that if the amount of \$61,000 is not spent in 2023, any surplus will be rolled into 2024 because Neighborhood Alliance does not issue refunds.

Mrs. Fenderbosch noted that the City uses a portion of a block grant to fund this service. Therefore, it is not fully funded by City tax revenues.

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

No: None

Motion carried.

Ordinance No. 23-15 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

The Avon Lake Community Council is accepting nominations for the 2022 Citizen of the Year and Project of the Year. All citizen nominees must be a resident that has provided a significant contribution to community service. The project nominees may be an individual or group that merits community-wide recognition that has had a positive impact on the community and the residents of Avon Lake. The deadline is March 31st. Forms are available at City Hall and the Avon Lake Public Library. Completed forms can be dropped off at City Hall or emailed to Council President O'Donnell at MOdonnell@avonlake.org

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 7:45 P.M.

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

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