

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
FEBRUARY 13, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on February 13, 2023, at 7:00 P.M. in the Council Chamber with President Pro Tempore Fenderbosch presiding.

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

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

Absent: Council President Marty O'Donnell

**APPROVAL OF MINUTES**

The minutes of the Council Meeting on January 9, 2023 were approved as amended.

**CORRESPONDENCE**

- Mrs. David reported that she received correspondence from Clayton LeRoux on Bounty Way and other residents in the Westwinds about poor cell phone service from Verizon in that area. Verizon was contacted and they have been telling their customers that the problem lies with the City's cell phone towers. Mrs. David informed the public that the issue will be investigated by the Building and Utilities Committee. Several residents have switched to Spectrum and reported that they have received better service.

Mayor Zilka informed Council that the Avon Lake City Schools has also experienced poor cell service since July of 2021 and have been unsuccessful in finding a solution. A cell tower is near Eastview Elementary School and another one is attached to the water tower on Division Road. The water tower is empty and will be dismantled, and a taller and narrower tower will be erected that should hold all service providers. When this occurs, cell service will greatly improve.

Mrs. Fenderbosch stated that Verizon is her cell service provider, and she is further west of the Westwinds off Jaycox Road. Somewhere between 2 and 4 p.m., Verizon's cell tower switches from Avon Lake to Avon. The Building and Utilities Committee may want to consider that as one of the contributing factors to poor cell service. Also, the mirror on the water tower on Division Road may have been tipped or tilted during the last windstorm and the response may not be the same.

- Mrs. Fenderbosch reported that she received correspondence regarding the lights at the intersection of Jaycox Road and Walker Road and she questioned if a change was made to trigger the traffic lights. In response, City Engineer Fulton, and ETAl Marton who was in the audience, confirmed that no changes were made to the traffic lights at that intersection.

## **MAYOR'S REPORT**

Mayor Zilka reported on the meeting of the Community Improvement Corporation (CIC) held on February 10<sup>th</sup>. Representatives from Charah Solutions and ALERG (Avon Lake Environmental Redevelopment Group, a subsidiary of Charah Solutions) showed a PowerPoint presentation and announced that the main building at the Power Plant will be demolished. After considering all options, this decision was made because it is cost prohibitive coupled with a lack of interest in purchasing the property along with the building in the current market. It is very costly renovating a building that size and is not viable. There has been discussion about keeping the colonnade and the lobby. Also, a second smoke stack will be removed and only one smoke stack will remain, which is the shorter of the two. They plan to remove the largest smoke stack. To do so, it must fall within a certain direction requiring the main building to be demolished. The City has not been given a date when this will occur, other than it will happen sometime this year.

A new restaurant, Las Margaritas, opened this past weekend in the former Burger King on Avon Belden Road. Unfortunately, the owner has not received a liquor license, and he is scheduled to appear before the Liquor Control Board soon. Las Margaritas has passed inspections by the Police, Fire, and Building Department.

The drive-thru ceiling at the former bank building on Lake Road, west of Moore Road, collapsed the other day. Fortunately, no one was injured as the business is no longer in operation. The current owner, Nick Mayer of Nick Mayer Ford, has blocked off the area, and Chief Building Official Tom Carleton will inspect the area tomorrow.

In response to Mrs. Fenderbosch, Mayor Zilka stated that the smoke stack that will be taken down is the one closest to the shoreline, and Charah Solutions is obligated to remediate the land and all potential environmental hazards. Recently, a resident questioned if asbestos was in the building on the west end of the Power Plant that is currently being demolished because they saw fabric particles in the wind. Charah Solutions informed the City that the west end of the building was constructed after asbestos was banned from all construction. Residents can rest assured that asbestos is not in that area, and asbestos mitigation in other parts of the Power Plant has been monitored and inspected by the Ohio EPA.

Mrs. Fenderbosch asked if the video shown at the CIC meeting would be available to the public. Mayor Zilka responded that Charah Solutions indicated that they would make it available after they have enhanced some of the drawings that were presented as sketches. The presentation they provided last July was a concept that displayed very exciting examples of how the Power Plant could be developed. Now, they have revised

their concept and this new version is still very exciting and enticing. Some residents thought a marina would be the ideal purpose for the building, but creating a marina is a challenge. It is very expensive and tends not to be profitable. Charah Solutions is moving forward with its schedule to complete the mitigation and remove all buildings slated for demolition by December 2024.

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

In observance of Presidents' Day on Monday, February 20th, the Collective Committee Meeting has been rescheduled for Tuesday, February 21<sup>st</sup> at 7:00 p.m.

The next Council Meeting will be held Monday, February 27<sup>th</sup> at 7:00 p.m.

Applications to nominate the Citizen of the Year and the Project of the Year for 2022 are available on the City's website and at City Hall. The deadline is March 31st.

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

Law Director Ebert reported that dates have been proposed for the hearing on the liquor license application of Las Margaritas in early March.

### **BUILDING AND UTILITIES COMMITTEE REPORT**

Mr. Spaetzel reported on the meeting of the Building and Utilities Committee held on February 9<sup>th</sup>. The main item discussed at the meeting was the Central Avon Lake Drainage Project (CALDP) Phase 2.

The next meeting of the Building and Utilities Committee will be held on Thursday, March 9<sup>th</sup> at 6:30 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 Tuesday, February 28<sup>th</sup> at 6:00 p.m. in the Council Chamber.

### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Arnold reported that an update on the Power Plant was discussed at the meeting of the Economic Development Committee held on February 6<sup>th</sup>.

Regarding the Community Improvement Corporation meeting reported by Mayor Zilka earlier, Mr. Arnold noted that the video presentation by Charah Solutions represented a vision that will continue to evolve as the property is marketed.

## **FINANCE COMMITTEE REPORT**

The next meeting of the Finance Committee will be held on Tuesday, February 21<sup>st</sup> at 6:00 p.m. in the Council Chamber.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the Human Resource Committee meeting held earlier. The following items were discussed: 1) an Executive Session was held to discuss compensation of public employees at ALRW; 2) the appointments of a Building Inspector, a Housing Officer, a Technology Coordinator, and three Equipment Operators; 3) the amendments to Chapter 260 for ALRW employees; 4) the job description for the Senior Production Assistant; and 5) a 13% increase in the Law Director's salary.

The next meeting of the Human Resources Committee will be held on Monday, March 13<sup>th</sup> at 6:00 p.m. in the Council Chamber.

## **PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**

The next meeting of the Public Safety and Health Committee will be held on Thursday, February 16<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 Tuesday, February 14<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, March 7<sup>th</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 Wednesday, February 22<sup>nd</sup> at 7:00 p.m. in the Council Chamber.

## **PARKS AND RECREATION COMMISSION REPORT**

Mrs. David reported that the design of the Avon Lake Play Space is progressing, and an Open House for the public will be held on Tuesday, February 28<sup>th</sup> from 7:00 p.m. to 8:00 p.m. at the Avon Lake Public Library.

## CITIZENS TREE COMMISSION REPORT

Mrs. Fenderbosch read a statement\* from the Citizens Tree Commission on the Bradford Pear trees. As of January 2023, it is illegal to sell or plant Bradford Pear trees anywhere in the State of Ohio. If a resident wants to plant a tree on their property, they should contact the City's Public Works Department for a list of suggested replacements. (\*attached)

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

## MOTIONS

Mr. Zuber moved to remove the motion appointing Ted Esborn as Acting Community Reinvestment Area Housing Officer. Instead of a motion, legislation appointing Mr. Esborn to this position will be presented at the end of this meeting.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

Mrs. David moved to confirm the Mayor's reappointment of Stacy Jantz to the Parks and Recreation Commission for a three-year term commencing January 1, 2023 and ending December 31, 2025. Mayor Zilka stated that Mrs. Jantz has served on this Commission for over 20 years. She does an outstanding job and agreed to continue to serve on this Commission.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

## LEGISLATION

### Second 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.

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

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-3. 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.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

**Ordinance No. 23-3 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. 23-12, 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.

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

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-12. 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, Slide Renu® will inspect, clean, and maintain the water slides at the municipal pool.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

**Ordinance No. 23-12 adopted.**

First Readings:

Ordinance No. 23-16, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH OPENGOV, INC. FOR AN ENTERPRISE MANAGEMENT SYSTEM AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize a personal services agreement with OpenGov of San Jose, California. After extensive research and customer requirements were determined, an RFQ was advertised, and three responses were received. OpenGov received the highest response. It offers parcel management and asset management and fulfills the recommendation of the Business Navigation Ad Hoc Committee. The software will help the Planning, Zoning, and Building Departments efficiently review plans and open the lines of communication with the applicants. Applicants will have the ability to submit plans and pay fees online.

Ordinance No. 23-17, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR EMERGENCY MEDICAL BILLING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter a four-year contract with Medicount Management, Inc. of Lorain, Ohio for emergency billing services. In 2010, the City established an insurance-only billing system for emergency medical services provided by the Fire Department whereby insurance companies are billed for ambulance services. This renewal contract stipulates that Medicount Management, Inc. will receive 6.75% of the gross income paid by the insurance company, which is the same percentage of the City's current contract.

Ordinance No. 23-18, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR SIGN INSTALLATION AND MAINTENANCE FOR THE US BICYCLE ROUTE SIGNAGE PROJECT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter an agreement with ODOT to install signage on Lake Road near Jaycox Road creating interconnectivity with bike routes throughout the State of Ohio as a designated ODOT bike route.

*Mr. Kos left the Council Chamber temporarily.*

Ordinance No. 23-19, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF DANIEL HAMKER TO THE POSITION OF FULL-TIME PLUMBING INSPECTOR, 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: Fenderbosch, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell, Kos (*absent from vote*)

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-19. This legislation will appoint Daniel Hamker to the position of Plumbing Inspector in the Building Department at the rate of \$38/hour effective February 14, 2023.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

**Ordinance No. 23-19 adopted.**

*Mr. Kos returned to the Council Chamber.*

Ordinance No. 23-20, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF STEPHANIE BIGGERS TO THE POSITION OF TECHNOLOGY COORDINATOR IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION AND DECLARING AN EMERGENCY.

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

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-20. This legislation will confirm the Mayor's appointment of Stephanie Biggers to the position of Technology Coordinator in the Communications and Technology Department, and that the hourly rate for the position will correspond to the hourly step rates of the Recreation Program Manager position in the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union Local 836-1.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David

No: None

Absent: O'Donnell

Motion carried.

**Ordinance No. 23-20 adopted.**

Ordinance No. 23-21, AN ORDINANCE APPOINTING TED ESBORN AS HOUSING OFFICER FOR THE COMMUNITY REINVESTMENT AREA OF THE CITY OF AVON LAKE PURSUANT



TO OHIO REVISED CODE SECTION 3735.65 AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 23-21. This legislation will appoint Ted Esborn as the Housing Officer for the Community Reinvestment Area according to ORC Section 3735.65. Previously, this role was held by the former Finance Director. Due to this vacancy, the Administration recommended Community Development Director Esborn. Director Esborn oversees the planning and zoning functions of the City and acts as the Code Administrator and is well-placed to serve in this position.

Yes: Fenderbosch, Kos, Spaetzel, Zuber, Arnold, David  
No: None  
Absent: O'Donnell  
Motion carried.  
**Ordinance No. 23-21 adopted.**

Mr. Kos moved for adjournment.

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

Adjournment: 7:46 P.M.

Approved: */s/ Jennifer Fenderbosch*  
President Pro Tempore

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