

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 27, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on February 27, 2023, 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, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Widman; and Clerk of Council Valerie Rosmarin.

Absent: Billie Jo David and City Engineer Fulton.

APPROVAL OF MINUTES

The minutes of the Council Meeting on January 27, 2023 were approved as prepared and published.

CORRESPONDENCE

Mrs. Fenderbosch reported on correspondence she received about the train derailment in East Palestine and the recent article on Cleveland.com and referenced the press release issued by Chief Betsa explaining how the City would react if a similar incident occurred within the City's boundaries. The Law Director will draft legislation that will be sent to the elected officials in Washington, D.C., and the State of Ohio to request standardized maintenance of railcars and notification of chemicals traveling through the City of Avon Lake.

COUNCIL PRESIDENT'S REPORT

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

The next Council Meeting will be held on Monday, March 13th 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 stated that in 1998, the cities of Bay Village, Rocky River, and Lakewood entered an agreement with Norfolk Southern that required Norfolk Southern to notify these communities when hazardous materials were transported within their

boundaries, and he is drafting a similar resolution for Council that will be forwarded to state officials.

Chief Molnar addressed Council at the request of Council President O'Donnell. He stated that the rail tracks in Avon Lake are operated by Norfolk Southern, and the City has a good relationship with its police. The biggest issue the City has encountered is a blocked roadway. Whenever this occurs, the Police Department has been able to resolve the problem with assistance from the Norfolk Southern police. Recently, the Supreme Court ruled that local police and local jurisdictions have the authority to police such blockages, which is a federal issue because the railway is governed by federal law. However, the Supreme Court ruling acknowledged the need to have local or state government involvement. Because of the recent train derailment, the Police Department has been reviewing its hazardous materials training protocol and has updated the appropriate emergency contact information.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Tuesday, February 28th at 5:30 p.m. in the Council Chamber. The only topic discussed will be the CALDP Project. This project was delayed because the City did not complete wetlands delineation and additional expenses have occurred, i.e. the removal of trees by April 1st before the Indiana bat nesting. The cost to hand cut and remove trees in the wetlands area is \$53,000.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

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

FINANCE COMMITTEE REPORT

Council President O'Donnell reported on the results of the Finance Committee meeting on February 21st. The following items were discussed: 1) purchase of a boiler for the Safety Center; 2) purchase of a composter and tractor for the Public Works Department; 3) engineering fees of Chagrin Valley for the CALDP Project Phase 2; 4) bridge inspection fees; 5) engineering design fees for the Heider Ditch retention wall; 6) purchase of a fire ladder truck for the Fire Department; 7) designating the EMS revenues to Fund 417; 8) the buyback of firearms by staff in the Police Department; 9) authorizing the disposal of unused City property by internet auction; 10) authorizing the Finance Director to participate in various cooperative purchasing programs; and 11) amending the Avon Lake Regional Water budget.

HUMAN RESOURCES COMMITTEE REPORT

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

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the results of the meeting of the Public Safety and Health Committee on February 16th. One of the topics discussed by the Committee was the buyback of firearms, and the Committee asked Chief Molnar to explain this proposal tonight.

Chief Molnar reported that the Police Department has 11 shotguns that are older than 25 years and no longer in use. Since the City will purchase patrol rifles for the ELCERT (Eastern Lorain County Emergency Response Team) from TAS, of Chagrin Falls, that cost will be offset by the sale of the 11 shotguns to officers in the Police Department for \$175 per shotgun.

PUBLIC SERVICE COMMITTEE REPORT

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

PLANNING COMMISSION REPORT

The Planning Commission will not meet during March.

CITIZENS TREE COMMISSION REPORT

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. On March 3rd, three of the Citizens Tree Commissioners will travel to Painesville to attend an all-day conference about urban forestry.

MOTION

Mrs. Fenderbosch moved to authorize the advertisement of bids for the Walker Road Paving Project Phase 3 and Phase 4 by the Public Works Department. The Walker Road Phase 3 Project will include Armour Road to Jaycox Road; and, the Walker Road Phase 4 Project will include Ambleside Drive to Moore Road.

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

No: None

Absent: David

Motion carried.

LEGISLATION

Mr. Kos moved to remove Ordinance No. 23-41.

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

No: None

Absent: David
Motion carried.

Third Reading:

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.

Mr. Zuber moved for passage of Ordinance No. 23-8. 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.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-8 adopted.

Second 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.

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

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

No: None

Absent: David

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-16. This legislation will authorize the Mayor to enter into an agreement with OpenGov, Inc. of San Jose, California for the installation and implementation of the OpenGov Citizen Services and Cartegraph Asset Management System for the cost of \$154,835 plus the annual subscription of \$96,409.52, for a total of \$251,244.52. This Enterprise Management System will provide integrated software solutions for the Building, Planning, Zoning, and Public Works Departments.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-16 adopted.

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 as 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 for the ODOT Bicycle Route Signage Project to create interconnectivity for cyclists by establishing the preferred cycling routes throughout the State of Ohio. Signage will be placed at Lake Road and Jaycox Road.

First Readings:

Resolution No. 23-25, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE BY INTERNET AUCTION FOR THE PERIOD OF JANUARY 25, 2023, THROUGH DECEMBER 31, 2023 AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-25. This legislation will permit the Finance Director to dispose of surplus City property by internet auction on the following internet auction sites: govdeals.com, propertyroom.com, and publics surplus.com.

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

No: None

Absent: David
Motion carried.

Resolution No. 23-25 adopted.

Resolution No. 23-26, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

Council President O'Donnell moved for passage of Resolution No. 23-26. This legislation will authorize the Director of Finance to participate in governmental cooperative purchasing programs for the purchase of vehicles, machinery, materials, supplies, and other articles for the City for the calendar year 2023.

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

Resolution No. 23-26 adopted.

Ordinance No. 23-27, AN ORDINANCE AUTHORIZING THE PURCHASE OF A BOILER FOR THE SAFETY CENTER AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

Council President O'Donnell moved for passage of Ordinance No. 23-27. This legislation will authorize the purchase of a boiler for the Safety Center from Total Line Refrigeration, Inc. of Avon Lake, Ohio in the amount of \$50,136.

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

Ordinance No. 23-27 adopted.

Ordinance No. 23-28, AN ORDINANCE PROVIDING FOR ENGINEERING CONSULTANT SERVICES FROM 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: O'Donnell, Spaetzel, Zuber, Arnold, Fenderbosch, Kos

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-28. This legislation will authorize additional engineering consultant services from Chagrin Valley Engineers Ltd. (CVE) for the Central Avon Lake Drainage Project (CALDP) Phase 2 in an amount not to exceed \$10,000.

In response to Mr. Arnold, Law Director Ebert stated that legislation is required for any additional engineering consultant work performed by CVE that is not included in their general compensation contract.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-28 adopted.

Resolution No. 23-29, A RESOLUTION ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 22, 2022, ALLERGAN PUBLIC GLOBAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-29. This legislation will accept the settlement of Allergan Public Global dated November 22, 2022. The amount of the settlement the City will receive is unknown.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-29 adopted.

Resolution No. 23-30, A RESOLUTION ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 22, 2022, CVS SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-30. This legislation will accept the settlement of CVS dated November 22, 2022. The amount of the settlement the City will receive is unknown.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-30 adopted.

Resolution No. 23-31, A RESOLUTION ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 22, 2022, TEVA GLOBAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-31. This legislation will accept the settlement of TEVA Global dated November 22, 2022. The amount of the settlement the City will receive is unknown.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-31 adopted.

Resolution No. 23-32, A RESOLUTION ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE DECEMBER 9, 2022 WALGREENS SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-32. This legislation will accept the settlement of Walgreens dated December 9, 2022. The amount of the settlement the City will receive is unknown.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-32 adopted.

Resolution No. 23-33, A RESOLUTION ACCEPTING THE MATERIAL TERMS OF THE ONEOHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NOVEMBER 14, 2022, WALMART SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-33. This legislation will accept the settlement of Walmart dated November 14, 2022. The amount of the settlement the City will receive is unknown.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-33 adopted.

Ordinance No. 23-34, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 260.02, ENTITLED VACATIONS AND CODIFIED ORDINANCE SECTION 260.06, ENTITLED HOLIDAYS,

was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-34. This legislation will amend Codified Ordinance Section 260.02 by changing the maximum vacation time credit from 10 years to 20 years and providing an additional holiday to the Municipal Utilities non-bargaining, full-time personnel to align with the benefits of the Collective Bargaining Agreement.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-34 adopted.

Ordinance No. 23-35, AN ORDINANCE AMENDING ORDINANCE NO. 23-19 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-35. This legislation will amend Ordinance No. 23-19 which appointed Daniel Hamker as the full-time Plumbing Inspector to include a uniform allowance Mr. Hamker will receive after completing his 90-day probationary period.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-35 adopted.

Ordinance No. 23-36, AN ORDINANCE AMENDING ORDINANCE NO. 23-20 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-36. This legislation will amend Ordinance No. 23-20 that appointed Stephanie Biggers as the Technology Coordinator to, specifically, identify the hourly Step 1 pay Ms. Biggers will receive.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-36 adopted.

Ordinance No. 23-37, AN ORDINANCE ESTABLISHING THE SALARY OF GARY EBERT AS THE DIRECTOR OF LAW AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

Yes: O'Donnell, Spaetzel, Arnold, Fenderbosch

No: Kos, Zuber

Absent: David

Motion failed.

This legislation will establish the salary of Gary Ebert as the Director of Law in the amount of \$90,000, which represents an increase of \$11,000. The Human Resources Committee reviewed this increase and recommended its passage by a vote of two in favor (Council President O'Donnell, Mr. Kos) and one in opposition (Mr. Zuber).

Mr. Kos stated that he supports the legislation. Since the increase will be retroactive to January 1st, he was not in favor of suspending the rule for three readings at the first reading.

Mr. Zuber stated that he does not support this 13% increase. Council usually fixes a percentage increase in the salary of all non-bargaining employees at the same time and believes that this increase could impact union negotiations which will begin soon.

Council President O'Donnell responded that this increase was recommended by the Administration and discussed during the budget meetings last December. A salary study of part-time Law Directors was conducted and this salary reflects the result of that study. He disagreed that it would affect union negotiations and stated that the no-bid \$260,000 classification and salary study supported by Mr. Zuber will impact those negotiations.

In response, Mr. Zuber stated that the classification and salary study adopted by

Council was for an amount not to exceed \$160,000, and 13 (sic 19) institutions were contacted.

Council President O'Donnell agreed that the amount he recited was incorrect; but reiterated that only one bid was received, and that bid included Avon Lake Regional Water, who decided they no longer wanted to be involved in the study. Therefore, the study should have been re-bid.

Mrs. Fenderbosch stated that the salary recommended for the Law Director is lower than the average salary of other Law Directors. Law Director Ebert helped reorganize the Community Development Department that now includes planning and zoning. The City must continue to offer competitive salaries to entice quality candidates in future appointments.

Resolution No. 23-38, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE OR HIS DESIGNEE TO FILE AN APPLICATION FOR AN OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) COMMUNITY RECYCLING GRANT FOR THE PURPOSE OF PURCHASING A NEW COMPOSTER AND A TRACTOR AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 23-38. This legislation will authorize the Mayor or his designee to apply for a grant of up to \$200,000 from the Ohio EPA for the purchase of a new composter for the Public Works Department. The grant requires the City to match 25% or \$50,000. Public Works Director Brubaker recommended the purchase of a composter for \$187,000 and the lease of a tractor for \$54,405 (annually). The total cost for this equipment is \$241,405, and the lease agreement for the tractor will qualify for the 25% match by the City.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-38 adopted.

Ordinance No. 23-39, 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. 23-5 AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-39. This legislation will authorize the Finance Director to make appropriations for the 2023 budget and repeal Ordinance No. 23-5. Avon Lake Regional Water funds were misappropriated into Fund 701 and Fund 721. Therefore, Ordinance No. 23-5 will be repealed upon the passage of Ordinance No. 23-39.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-39 adopted.

Ordinance No 23-40, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 452.03, ENTITLED PROHIBITED STANDING OR PARKING PLACES, was read by title only.

This legislation will amend Codified Ordinance Section 452.03 by adding Webber Road and Krebs Road to the list of streets that prohibit parking. The list includes Lake Road, Electric Boulevard, Walker Road, Moore Road, Miller Road, Avon Belden Road, Jaycox Road, and Lear Road.

Ordinance No. 23-42, AN ORDINANCE REPEALING CODIFIED ORDINANCE SECTION 1070.07, ENTITLED WEISS FIELD DOG PARK RULES AND REGULATIONS, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-42. This legislation will repeal Codified Ordinance Section 1070.07 on the Weiss Field Dog Park Rules. At the advice of the Law Director, the Public Safety and Health Committee recommended repealing the rules and regulations and replacing them with language that authorizes the Administration to establish the rules and regulations of the Dog Park.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-42 adopted.

Ordinance No. 23-43, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE TACTICAL EMERGENCY MEDICAL SERVICES (“TEMS”) AND RELATED TRAINING TO THE EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM (“ELCERT”) COMPRISED OF THE CITY OF AVON, CITY OF AVON LAKE AND CITY OF NORTH RIDGEVILLE (“CITIES”) AND THE METROHEALTH SYSTEM (“METROHEALTH”) AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-43. This will authorize the Mayor to enter into a Memorandum of Understanding for Tactical Emergency Medical Services that will add a Firefighter/Paramedic to the Eastern Lorain County Emergency Response Team (ELCERT). The City is organizing a new rapid response team with the cities of Avon and North Ridgeville which will replace the Lorain County SWAT.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-43 adopted.

Resolution No. 23-44, A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT OF THE CITY OF AVON LAKE TO SELL USED SHOTGUNS AT FAIR MARKET VALUE AND DECLARING AN EMERGENCY, was read by title only.

This will authorize the Police Department to sell 11 of its Remington 870 shotguns to its members at fair market value and then to sell any remaining shotguns by auction.

Ordinance No. 23-45 AN ORDINANCE AWARDING A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-45. This legislation will award a contract for the Miller Road Park Sand Dredging Project to Huffman Equipment of Eastlake, Ohio in the amount of \$85,500.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-45 adopted.

Ordinance No. 23-46, AN ORDINANCE AMENDING PLANNING AND ZONING CODE SECTIONS 1214 REVIEW PROCEDURES, 1218 MIXED USE OVERLAY DISTRICT, 1224 ACCESSORY AND TEMPORARY USE REGULATIONS, 1226 GENERAL DEVELOPMENT STANDARDS, 1228 ARCHITECTURAL STANDARDS, AND 1246 GENERAL DEFINITIONS AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend Planning and Zoning Sections 1214, 1218, 1224, 1226, 1228, and 1246 as recommended by the Planning Commission on December 6, 2022. A public hearing will be held on March 13th.

Ordinance No. 23-47, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 618.01, ENTITLED DOGS AND OTHER ANIMALS RUNNING AT LARGE, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-47. This legislation will amend the penalty language in Codified Ordinance Section 618.01 for violations of animals running at large. Prosecutor John Reulbach recommended removing the unclassified penalties language because the classified penalties, as defined by the Ohio Revised Code, are included within this section and both classifications cannot be contained within the same section. Therefore, the unclassified language will be removed, and the classified language will remain.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-47 adopted.

Ordinance No. 23-48, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF BRIAN

BOWLES TO THE POSITION OF SENIOR PRODUCTION ASSISTANT IN THE COMMUNICATIONS AND TECHNOLOGY DEPARTMENT, 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: O'Donnell, Spaetzel, Zuber, Arnold, Fenderbosch, Kos

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-48. This legislation will confirm the appointment of Brian Bowles to the position of Senior Production Assistant in the Communications and Technology Department. Mr. Bowles has served as the part-time Senior Production Assistant in the Digital Media Department for many years, and he was selected to continue in this role which was recently expanded due to the restructuring of the Digital Media Department into the Communications and Technology Department. Therefore, Mr. Bowles will become a full-time employee and receive the hourly Step 1 rate for the position corresponding with the hourly rates of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union Local 836-1 Recreation Programmer position, effective March 1, 2023, and will follow the step rates thereafter.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-48 adopted.

Ordinance No. 23-49, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LBJ INC. AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-49. This legislation will authorize the Mayor to execute an agreement for engineering design services with LBJ, Inc. of Miamisburg, Ohio for the Heider Ditch pedestrian bridge substructure retaining wall for an amount not to exceed \$24,000.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-49 adopted.

Ordinance No. 23-50, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LBJ INC. AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-50. This legislation will authorize the Mayor to execute an agreement for engineering design services with LBJ, Inc. of Miamisburg, Ohio for bridge design services for the bridge over the Heider Ditch at Country Club Drive, the bridge over the Heider Ditch at Belle Road, and the bridge over Heider Ditch at Electric Boulevard for an amount not to exceed \$15,500.

Mrs. Fenderbosch stated that the State of Ohio inspected the bridges in the City, and the conditions of these three bridges received a poor grade. The next step is to have a specialist evaluate each bridge and determine what repair work is needed to restore its condition. Then the City Engineer will develop a program for future bridge evaluations, rehabilitation, and funding.

Mr. Zuber stated that he asked the City Engineer to add the bridge in the Metroparks over the Heider Creek to the list of bridges that will be evaluated because it is the same age as the Belle Road bridge.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-50 adopted.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David

Motion carried.

Adjournment: 8:16 P.M.

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

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