

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

The regular meeting of the Avon Lake Municipal Council was called to order on March 13, 2023, 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; City Engineer Fulton; and Clerk of Council Valerie Rosmarin.

PUBLIC HEARING

The Public Hearing opened at 7:01 p.m. The Planning Commission recommended the following revisions to the Planning and Zoning Code:

Chapter 1214

1214.02(d)(4)

The Planning Commission shall review the ~~preliminary plat~~ application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.

Chapter 1218

1218.03(c)(1)

An approved MUO development shall become, for the proposed development, a binding commitment of the specific elements approved for development. Such development plan shall be considered an approved site plan for the development and after approval, the applicant may seek approval of zoning and building permits **without returning to Planning Commission for further approvals.**

1218.04

(C) Uses that are solely residential are permitted within the MUO District but they must be located behind nonresidential buildings. Such uses shall not have frontage along any major arterial or collector road in the MUO District unless such uses are proposed in an area identified ~~for residential~~ as "R" for medium to high density residential or "T" for townhomes in the focus area concepts of the Comprehensive Land Use Plan.

1218.04

(d) Residential-only uses shall not occupy any more than 40 percent of any site subject to an application. Such uses shall be required to be multi-family dwellings. **The applicant may identify a site containing multiple contiguous parcels.**

Chapter 1224

1224.02(c)(1)(D)

A temporary structure for a sales trailer and/or construction office may be approved by the Code Administrator and placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning permit unless an alternative time limit is approved by the Code Administrator based on the scale of the project.

Chapter 1226

TABLE 1226-7: MINIMUM SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS						
Required Setback	Minimum Setback in Feet					
	B-1	B-2	B-3	I-1	I-2	P-I
Front Yard Setback for Lots with Frontage on Lear Road	40	40	0	60	60	20
Front Yard Setback	30	30	0	60	60	20
Side and Rear Yard Setbacks Adjacent to a Residential Zoning District	35	35	20	75	75	10 Side 20 Rear
Side and Rear Yard Setbacks Adjacent to a Nonresidential Zoning District	10	10	5	25	25	10 Side 20 Rear

Chapter 1228

1228.02(b)

(b) New principal buildings in the B-1, B-2, and B-3, I-1, I-2, and P-I Districts; and

1228.04

Any nonresidential principal building in the B-1, B-2, B-3, and MUO, I-1, I-2, and P-I Districts shall be subject to the following standards, including mixed-use buildings that contain residential uses. Where a building or structure is considered a Landmark or is located within a historic district, such buildings or structures shall be subject to the standards of this section and Section 1228.05: Historic Preservation.

Chapter 1246

Zoning District, Nonresidential

The term “nonresidential zoning district” shall include the B-1, B-2, B-3, MUO, I-1, I-2, and P-I districts, regardless if residential uses are permitted.

The Public Hearing closed at 7:08 p.m.

APPROVAL OF MINUTES

The minutes of the Council Meeting on February 13, 2023 were approved as prepared and published.

CORRESPONDENCE

- An email was received from Julie Short, Communications Coordinator of the Avon Lake City Schools, announcing that the Avon Lake City Schools Board has narrowed the superintendent search to the following two finalists: David Harmon, Chief of Human Resources at the Dayton Public School District and Joelle Magyar, Superintendent of the Brecksville-Broadview Heights City School District. The public is invited to meet the finalists on Thursday, March 16th at Avon Lake High School.
- Mayor Zilka received a letter from Dan Lambe, Chief Executive of the Arbor Day Foundation, congratulating the City of Avon Lake for receiving the 2022 Tree USA City award. The City has been designated as a Tree USA City for 28 years.

MAYOR'S REPORT

Mayor Zilka reported that he attended the Lorain County Public Health meeting where the 2022 Annual Report was presented. An informational flyer with highlights on the report was distributed to Council. For further details on the Annual Report, residents can go to www.loraincountyhealth.com. In 2022, the top causes of death in Lorain County were heart disease, cancer, accidents, Covid-19, chronic respiratory disease, and stroke. Also noted, the State of Ohio has one of the highest smoking rates in the nation.

The following summer jobs are available in the Recreation Department: Summer Camp Counselors, Safety Town Teachers, Green Box Attendants, Park and Field Attendants, a Pool Assistant Manager, an Aquatics Manager and a Supervisor, Lifeguards, Pool Admissions, Park and Pool Concessions, Pool Maintenance, Basketball Officials, Score Keepers, and Youth Baseball Umpires.

Scheduled Events:

- Shred Day will be held on Saturday, May 20th at the Avon Lake Municipal Pool parking lot from 9 a.m. until 12 noon. The next Shred Day will be in October.
- Ward 3 and 4 Meetings will be held on Wednesday, March 15th at Troy Intermediate School from 7 p.m. until 8:30 p.m.
- The State of the City address will be presented on Wednesday, March 29th at the Kiwanis Club Meeting at the Avon Lake Public Library.
- The annual Easter Egg Hunt will be held on Saturday, March 25th at 10 a.m. at Weiss Field. This event is sponsored by Springer Health Services.

Mayor Zilka will attend the funeral service of Jeff Moore, the City's former Fire Marshall in the Fire Department, on March 16th. Jeff served the City well with great pride and was active in the Fire union and other organizations.

Mr. Kos asked Mayor Zilka to pass along his regrets to the attendees of the Ward 3 and 4 Meeting that he is unable to attend due to a pre-scheduled family event that could not be re-scheduled.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held Monday, March 29th at 7:00 p.m.

The next Council Meeting will be held Monday, March 27th 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 he circulated a draft of the train resolution he prepared that will be reviewed by the Public Safety and Health Committee at their meeting on March 22nd.

FINANCE DIRECTOR'S REPORT

Finance Director Widman reported on House Bill 1, which will affect income tax, property tax, and local government funds and grants the Tax Commissioner authority to establish withholding tables and adjust the assessed valuation. Currently, real estate valuations are taxed at 35% and are projected to drop to 28%. Fortunately, there will not be any changes to the sales tax proposed in House Bill 1.

Council President O'Donnell asked for further discussion on House Bill 1 at a Finance Committee meeting in the future.

Mrs. David stated that she understood that House Bill 1 proposes to eliminate the Homestead Act and that other property tax levies in the City may benefit but at a cost to homeowners who currently benefit from the Homestead Act.

Finance Director Widman stated there is a method whereby the gross national product factor increases and homeowners are eligible for some reductions. Income tax is a component in the formula for local government funds. If the money does not come in, there will be challenges for the money going out.

Mayor Zilka stated that the Ohio Municipal League stated that they consider House Bill 1 with great alarm. As a former educator, Mayor Zilka voiced his concern that there will be dramatic cuts to schools. A community can only thrive if it has sufficient funds for important infrastructure, safety services, and education. The process of House Bill 1 must be monitored to ensure that the City maintains its services on behalf of the residents of Avon Lake.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mrs. David reported on the results of the meeting of the Communications, Environmental, and Recreational Programming Committee on February 28th. The main topic of discussion was cyber security. Simvay, as the City's IT contractor, will assess the City's current operations (Phase 1) and will implement (Phase 2) recommendations that will increase the City's cyber security. Simvay is certified in cyber security, which is a higher level of support than an IT help desk.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held on Monday, April 17th at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Monday, March 20th at 6:00 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the meeting of the Human Resources Committee held earlier. The following topics were discussed: 1) appointments of three Equipment Operators in the Public Works Department; 2) City employees working part-time outside the City and any potential conflict of interest; 3) update on the Gallagher Classification and Salary study; 4) increases in the Fire Department staffing; and 5) wage increases for non-bargaining employees.

The Human Resources Committee will have a special meeting in June to discuss implementing some of the recommendations from the Raftelis Study.

The next meeting of the Human Resources Committee will be held on Monday, April 10th 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 Wednesday, March 22nd 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, March 14th at 7:00 p.m. in the Council Chamber. The first part of the meeting will be a joint meeting with the Communications, Environmental, and Recreational Programming Committee

relating to the Weiss Field Master Plan followed by the Public Service Committee meeting.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, April 4th 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, March 22nd at 7:00 p.m. in the Council Chamber.

CITIZENS TREE COMMISSION REPORT

Mrs. Fenderbosch reported that on Arbor Day (Friday, April 28th), the Citizens Tree Commission will distribute tree seedlings to every 5th grader in Avon Lake at Troy Intermediate School and St. Joseph's School. The tree seedlings were donated by Lubrizol. Volunteers are needed to assemble the tree seedlings. If interested, residents should arrive at the Public Works Department's south garage on Thursday, April 27th at 2 p.m.

LEGISLATION

Third Readings:

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.

Mr. Kos moved for passage of Ordinance No. 23-17. This legislation will authorize the Mayor to enter into 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.

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

No: None

Motion carried.

Ordinance No. 23-17 adopted.

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.

Mr. Kos moved for passage of Ordinance No. 23-18. 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.

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

No: None

Motion carried.

Ordinance No. 23-18 adopted.

Second Readings:

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: Spaetzel, Arnold, David, Fenderbosch, O'Donnell

No: Zuber, Kos

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-37. This legislation will increase the salary of the Law Director by 13% or to \$90,000, which was recommended by the Administration last fall. Law Director Ebert works well with Department Heads and has met with residents and helped settle their issues. He responds well with Council members and Avon Lake Regional Water. Recently, he helped facilitate a settlement of \$100,000 whereby a contractor for the Walker Road Park Retention Project sued the City for \$50,000. This salary increase will place the Law Director's salary in alignment with other part-time Law Directors.

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

No: Zuber

Motion carried.

Ordinance No. 23-37 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 in the City where parking is prohibited. The list includes Lake Road, Electric Boulevard, Walker Road, Miller Road, Moore Road, Avon Belden Road, Jaycox Road, and Lear Road. Police Chief Molnar recommended this amendment, and it was unanimously supported by the Public Safety and Health Committee.

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 legislation 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. Police Chief Molnar recommended disposing of these shotguns no longer used to help fund the purchase of equipment needed for the Eastern Lorain County Response Team (ELCERT), and it was unanimously supported by the Public Safety and Health Committee.

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.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-46. This legislation will amend Planning and Zoning Sections 1214, 1218, 1224, 1226, 1228, and 1246. After the new Planning and Zoning Code was implemented, revisions were carried out and submitted to the Planning Commission for their review and recommendation on December 6, 2022. A public hearing was held earlier in the meeting.

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

No: None

Motion carried.

Ordinance No. 23-46 adopted.

First Readings:

Ordinance No. 23-51, AN ORDINANCE RATIFYING A CHANGE ORDER TO THE CONTRACT WITH UNDERGROUND UTILITIES, INC. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-51. This legislation will ratify a change order to the contract with Underground Utilities, Inc. of Monroeville, Ohio as authorized by Ordinance No. 22-74. During the project construction, it was determined that trees in a wetlands area must be removed by hand cutting them at a cost of \$53,228.77. Mayor Zilka explained that the City is prohibited from cutting trees in this area between April 1st and October because of the Indiana bats nesting. Therefore, the trees will be removed before April 1st.

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

No: None

Motion carried.

Ordinance No. 23-51 adopted.

Ordinance No. 23-52, AN ORDINANCE CONFIRMING THE APPOINTMENT OF GEORGE J. SPUCKLER AS EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-52. This legislation will confirm the promotion of George J. Spuckler, as Equipment Operator in the Public Works Department, at the hourly rate of \$33.32 effective March 27th.

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

No: None

Motion carried.

Ordinance No. 23-52 adopted.

Ordinance No. 23-53, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRYAN M. BEDIENT AS EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-53. This legislation will confirm the promotion of Bryan M. Bedient, as Equipment Operator in the Public Works Department, at the hourly rate of \$33.32 effective March 27th.

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

Ordinance No. 23-53 adopted.

Ordinance No. 23-54, AN ORDINANCE CONFIRMING THE APPOINTMENT OF KEVIN R. MCDONOUGH AS EQUIPMENT OPERATOR IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 23-54. This legislation will confirm the promotion of Kevin R. McDonough, as Equipment Operator in the Public Works Department at the hourly rate of \$33.32 effective March 27th.

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

Ordinance No. 23-54 adopted.

Ordinance No. 23-55, 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: Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell
No: None
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-55. This legislation will approve a change order with Dunlop & Johnston, Inc. of Valley City, Ohio in the amount of \$2,483. During the construction, revisions were made to the design and two wood doors were added on the second floor.

Law Director Ebert stated that initially, the change order amount was \$4,966. But Council President O'Donnell disputed the charges and was able to have the charge reduced to the amount of \$2,483 after discussions with the Clerk of Council and the architect were held.

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

Ordinance No. 23-55 adopted.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(1)(2), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the purchase or sale of property and the employment of a public official.

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

No: None

Motion carried.

Adjournment: 7:54 P.M.

RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 9:12 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: Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell

No: None

Motion carried.

Adjournment: 9:14 P.M.

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

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