

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
APRIL 10, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on April 10, 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 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: Mr. Arnold, Mrs. David, and City Engineer Fulton.

**PROCLAMATION**

Mayor Zilka presented a proclamation to Christine Spaetzel, and her therapy dog, Tikka, on behalf of National Dog Therapy Appreciation Day on April 30<sup>th</sup>.

**ACKNOWLEDGEMENT**

Mayor Zilka introduced Joe Matusczik and Dan Haight of LCADA Way. LCADA Way was founded in 1981. It is a private, non-profit organization that provides over 40 different types of alcohol, drug, and gambling addiction treatment, prevention, and mental health services to residents from Lorain County, Erie County, Cuyahoga County, and surrounding communities and has an office in Avon Lake. Recently, LCADA Way earned The Joint Commission Gold Seal of Approval for Behavior Health Care Accreditation.

After the City of Avon Lake received the opioid settlement, Mayor Zilka recommended LCADA Way to be the first recipient, and he delivered a check for \$12,000 to Mr. Matusczik and Mr. Haight.

Mr. Matusczik expressed his gratitude to the City and stated that this money will fund one of LCADA Way's underserved issues, prevention. LCADA Way has staff in the Avon Lake schools, and this money will allow them to engage with the community through training sessions and speaking events.

**APPROVAL OF MINUTES**

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

## **CORRESPONDENCE**

Ron Holub of 32862 Lake Road emailed the Clerk of Council in opposition to Ordinance No. 23-41 which proposes to reduce the speed limit on Webber Road.

## **MAYOR'S REPORT**

Mayor Zilka reported on the following scheduled events:

1. Trash Contract Roundtable Forum will be held on Wednesday, April 26<sup>th</sup> at 7 p.m. at the Avon Lake High School Commons. The City's trash contract expires on March 31, 2024. The purpose of this forum is to help the City prepare for the trash bid. Brandi Schnell from the Lorain County Solid Waste Management will give a presentation on recycling followed by three rounds of small group discussions that will collect ideas from residents on what they would like included in the new trash contract. Results of the roundtable will be posted on the City's website and feedback from the forum will be used to create a survey for the community.
2. NOPEC Informational Meeting will be held on Thursday, April 27<sup>th</sup> at 7 p.m. in the Council Chamber. Many residents have been critical about the City joining NOPEC. In 2000, 80% of the electorate voted in favor of the opt-out NOPEC program. NOPEC notifies residents about the program. If residents do not want the service, they must inform NOPEC that they are opting out. If residents do not respond, they have automatically opted into the program. Some residents compare electricity rates on the website of Apples to Apples, and they monitor those rates and will switch to different suppliers that offer the better rate. In March of 2023, NOPEC's contract rate was very favorable, and the new contract that was available was substantially higher. There were some very high electric bills, but NOPEC allowed residents to opt out and roll back to the backup supplier, which is First Energy. NOPEC will be cheaper starting on May 1<sup>st</sup> for six months, and it will be 40% cheaper than what First Energy will offer. First Energy's contract is expiring, and they will have to accept a contract that is different than what they were offering previously. The City also has NOPEC gas rates but those are not affected.

Mrs. Fenderbosch explained that the opt-in and opt-out rule was not a choice of the City. That option was a State of Ohio mandate through the Public Utilities Commission of Ohio (PUCO). However, residents can choose to opt-out.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting will be held on Monday, April 17<sup>th</sup> at 7:00 p.m.

The next Council Meeting will be held on Monday, April 24<sup>th</sup> at 7:00 p.m.

## **BUILDING AND UTILITIES COMMITTEE REPORT**

The Building and Utilities Committee meeting that was scheduled for Thursday, April 13<sup>th</sup> has been canceled.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the meeting of the Human Resources Committee held earlier. The following topics were discussed: 1) an increase in the Fire Department staff from 10 per shift to 11 per shift; 2) the promotion of a Police Officer to the position of Sergeant in the Police Department; 3) the Lateral Entry Program in the Police Department; 4) the hiring of Police Officers in the Police Department; 5) the award of a grant from the State to fund the salaries for two Police Officers for two years; 6) an increase in the hourly wage of part-time Police Officers and Dispatchers; 7) a 4% wage increase for Municipal Court personnel; 8) the appointment of a Planning & Zoning Manager; 9) the appointment of a City Engineer; and 10) the Urban Forester job description.

## **PUBLIC SERVICE COMMITTEE REPORT**

The next meeting of the Public Service Committee will be held on Tuesday, April 18<sup>th</sup> at 6:00 p.m. in the Council Chamber.

## **PLANNING COMMISSION REPORT**

The next meeting of the Planning Commission will be held on Tuesday, May 16<sup>th</sup> at 7:00 p.m. in the Council Chamber.

Regarding Case No. 005-23, The Harbour PUD No. 3, Community Development Director Ted Esborn reported that Planning Commission approved the applicant's request on April 4<sup>th</sup>. However, the case was identified as a Site Plan Review instead of Improvement Plans. After a Site Plan Review is approved, it is forwarded to the Building Department for the issuance of permits. Since the case should have been considered Improvement Plans, the applicant was informed of the error afterward because the former code required Council approval, but the new code does not necessarily require Council action with Improvement Plans.

Mrs. Fenderbosch explained that Improvement Plans will probably not be presented to Council in the future unless the Law Director determines they are warranted. The case was unanimously approved by the Planning Commission and only a title change is needed.

Mr. Zuber asked for clarification, and Director Esborn stated that under the new code, improvement plans do not necessarily need to be approved by Council. The final plan, however, must be approved by Council. This was the first-time improvement plans were evaluated under the new code. The code states that improvement plans can be brought separately to the Planning Commission from the final plat.

## **ZONING BOARD OF APPEALS REPORT**

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on March 22<sup>nd</sup>, as follows: 1) a variance to construct a detached accessory structure increasing the combined square footage beyond what the code allows at 314 Lear Road was approved; 2) a variance to construct a 786 sq. ft. detached garage in the front yard adjacent to Coveland at 32880 Lake Road was approved; and 3) a variance to install a 4' open style fence in the front yard adjacent to Coastal Drive at 33083 Midship Drive was denied.

## **CITIZENS TREE COMMISSION REPORT**

The next meeting of the Citizens Tree Commission will be held on Wednesday, April 12<sup>th</sup> at 7:00 p.m. at the Old Firehouse and Community Center.

## **AUDIENCE PARTICIPATION**

Kaitlyn Huff, 32791 Webber Road, Avon Lake addressed Council in support of Ordinance No. 23-41 to reduce the speed limit on Webber Road from 35 mph to 25 mph.

## **LEGISLATION**

Mr. Zuber moved to add Ordinance No. 23-69 to the Council Agenda.

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

No: None

Absent: Arnold, David

Motion carried.

### Second Readings:

Ordinance No. 23-41, AN ORDINANCE TO DESIGNATE WEBBER ROAD AS NOT A THROUGH HIGHWAY PURSUANT TO CODIFIED ORDINANCE 414.02(B) AND REDUCING THE SPEED LIMIT ON WEBBER ROAD TO TWENTY-FIVE MILES PER HOUR AND DECLARING AN EMERGENCY, was read by title only.

This legislation will reduce the speed on Webber Road from 35 mph to 25 mph for the entire length. Currently, the western section of Webber Road is 25 mph, and the remaining road is 35 mph. The number of developments has grown, increasing the traffic, and Webber Road is only 18 feet wide. There have been many complaints from residents in the area, and the Public Safety and Health Committee reviewed their concerns and recommended a reduction in the speed limit.

Ordinance No. 23-56, AN ORDINANCE AUTHORIZING THE PURCHASE OF A LADDER TRUCK FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved to suspend the rule requiring three readings.

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

No: None

Absent: Arnold, David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-56. This legislation will authorize the purchase of a ladder truck for the Fire Department from Atlantic Emergency Solutions Inc. in Manassas, Virginia in the amount of \$2,254,288 less the pre-paid amount of \$74,154 for a net total of \$2,180,134 through the Sourcewell Cooperative Program of the State of Minnesota.

Chief Betsa explained that the ladder truck is 30 years old and is scheduled to be replaced in 2026. Therefore, an internal committee has been working on the ladder truck specs for the last six months and has worked with the company for the last year and a half on the replacement schedule time. Since there will be a price increase on May 1, it was decided that it would be fiscally responsible to pass legislation before that date. The ladder truck will be delivered by the end of 2026 due to a backlog of orders because municipalities are using their ARPA funds to replace needed equipment.

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

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-56 adopted.**

Ordinance No. 23-57, AN ORDINANCE AUTHORIZING THE PURCHASE OF A MENART TOW-BEHIND WINDROW TURNER MODEL SP 50 FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Absent: Arnold, David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-57. This legislation will authorize the purchase of a Menart composter from Alto Equipment Company of Bedford, Ohio in the amount of \$187,000 through the State Cooperative Purchasing Program of Ohio.

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

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-57 adopted.**

Ordinance No. 23-58R, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT TO ACQUIRE A JOHN DEERE 6R 195 TRACTOR WITH ATTACHMENTS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Absent: Arnold, David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-58R. This legislation will authorize the Mayor to execute a lease agreement with Huntington Bank to purchase a tractor plus attachments from Polen Implement, Inc. of Elyria, Ohio in the amount of \$254,617.50 through the State Cooperative Purchasing Program of Ohio. The annual lease payment will be approximately \$55,390.43 for five years, and the attachments included will be determined by the Public Works Director and may include a snow plow, a tow, or an arm to mow ditches. The City has applied for a grant from the State of Ohio for up to \$200,000 for the composter and tractor.

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

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-58R adopted.**

First Readings:

Ordinance No. 23-66, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Arnold, David

Motion carried.

Council President O'Donnell moved for the passage of Ordinance No. 23-66. This legislation will permit the Finance Director to transfer funds totaling \$1,654,167.00 for April, May, and June 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: O'Donnell, Spaetzel, Zuber, Fenderbosch, Kos

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-66 adopted.**

Ordinance No. 23-67, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 432.43, ENTITLED TEXTING WHILE DRIVING PROHIBITED 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, David, Fenderbosch, Kos

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-67. This legislation will amend Section 432.43 which prohibits texting or other forms of distracted driving. Senate Bill 288 was recently signed by the Governor strengthening the Distracted Driver Law, and it was necessary to incorporate those changes into the City's Codified Ordinances.

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

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-67 adopted.**

Ordinance No. 23-68, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. 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, Fenderbosch, Kos

No: None

Absent: Arnold, David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-68. This legislation will authorize the Mayor to enter into an agreement with Bramhall Engineering to serve as the City's Engineer. The agreement stipulates that Chris Howard from Bramhall Engineering will work 12 hours per week at the rate of \$155/hour until December 31, 2023. Mr. Howard will attend Council Meetings and committee meetings when requested. Since the City will have a new Mayor in 2024, the Administration decided to contract engineering services for the remaining months of this year. Then in 2024, the new Mayor will appoint a City Engineer. Bramhall Engineering will assess fees whenever additional projects arise.

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

No: None

Absent: Arnold, David

Motion carried.

**Ordinance No. 23-68 adopted.**

Ordinance No. 23-69, AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend the Civil Service Rules to allow lateral entry transfers for the Police Department. Since there has been a steady decline in candidates for entry-level positions in the Police Department, the Civil Service Commission, and the Police Chief developed a lateral entry transfer program that will increase the number of recruits while providing the City with experienced candidates.

### MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch announced the following:

- April is “National Native Plant” month and over 500,000 native trees were planted in 2020 and 2021.
- On Friday, April 7<sup>th</sup>, a satellite named TEMPO was launched. TEMPO is an air pollution control laboratory that gathers air samples as it crosses over North America. Avon Lake High School students from the Environmental Class will be taking photographs of the Ozone Garden, at the Avon Lake Public Library, and sending them to TEMPO and the Smithsonian. Avon Lake is the only city on the Great Lakes in Ohio that has an Ozone Garden, and our students are the only high school students involved in this laboratory study with NASA. The other students involved are university students.

### PUBLIC INPUT

Len Lieber, Commander of the American Legion Post 211, announced that the Legion will be the first group in Ohio to offer a self-help support group for veterans, who suffer from Post-Traumatic Stress Disorder (PTSD). The first meeting will be held on Thursday, June 8<sup>th</sup> at Post 211 at 31972 Walker Road.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: Arnold, David

Motion carried.

Adjournment: 8:04 P.M.

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

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