

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MAY 22, 2023**

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on May 22, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Arnold 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 Howard; and Clerk of Council Valerie Rosmarin.

PROCLAMATION

Mayor Zilka presented a proclamation to Bob Scott, Superintendent of Avon Lake City Schools. After 18 years of service to the Avon Lake City Schools, Mr. Scott will retire in July.

LEGISLATION

Ordinance No. 23-91, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CALEB ROBINSON AS LIEUTENANT IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-91. This legislation will confirm the appointment of Caleb Robinson as Lieutenant in the Police Department at the biweekly salary of \$3,917.43 effective May 22, 2023. Due to a vacancy in the rank of Lieutenant, a promotional exam was conducted by the Civil Service Commission. Mr. Robinson was one of two candidates that participated in the exam and scored the highest and was certified in this position by the Civil Service Commission before this meeting.

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

No: None

Motion carried.

Ordinance No. 23-91 adopted.

Law Director Ebert administered the Oath of Office to Caleb Robinson.

Ordinance No. 23-92, AN ORDINANCE CONFIRMING THE APPOINTMENT OF ANTHONY FABRIZI AS SERGEANT IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-92. This legislation will confirm the appointment of Anthony Fabrizi as Sergeant in the Police Department at the biweekly salary of \$3,561.30 effective May 22, 2023. Due to a vacancy in the rank of Sergeant, a promotional exam was conducted by the Civil Service Commission. Mr. Fabrizi was one of eight candidates that participated in the promotional exam and had the second-highest score of 94.04% (the highest candidate was appointed Sergeant last month). The Civil Service Commission certified Mr. Fabrizi in the position before this meeting.

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

No: None

Motion carried.

Ordinance No. 23-92 adopted.

Law Director Ebert administered the Oath of Office to Anthony Fabrizi.

Law Director Ebert administered the Oath of Office to Curtis Silvers, III (appointed by Ordinance No. 23-88 on May 9, 2023).

CORRESPONDENCE

A letter was received from Mr. Kopf of Kopf Builders requesting the third reading of Ordinance No. 23-73 (approving a tax abatement at the Towne Center apartments) be postponed until an agreement with Avon Lake Regional Water regarding the improvement plans has been reached.

MAYOR'S REPORT

Make Music Day will be held on Wednesday, June 21st. This event is celebrated in more than 1,000 cities around the world. It is a partnership between the City and Music on a Mission that will offer community members of all ages an opportunity to create all kinds of music and to experience the joy of making music together.

The Memorial Day Parade will be held on Monday, May 29, 2023, at 10 a.m. The parade route begins at the Avon Lake High School parking lot and travels down Electric Boulevard.

The next solar eclipse will occur on Monday, April 8, 2024. Mayor Zilka met with Dave Freeman, the new Director of Emergency Management Agency. Mr. Freedman has a master's degree in EMS and was previously the EMA Director in Wayne County. He is very enthusiastic about the event and will offer his assistance in the planning of an event where thousands of people will travel into Avon Lake and Lorain County to witness the eclipse.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held Monday, June 5th at 7:00 p.m.

The next Council Meeting will be held Monday, June 12th at 7:00 p.m.

CITY ENGINEER REPORT

City Engineer Howard reported that the milling of Lake Road, ODOT Urban Paving Project, will begin east to west on Tuesday, May 30th.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Thursday, June 8th at 6:00 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATION PROGRAMMING COMMITTEE REPORT

Mrs. David reported on the meeting of the Communications, Environmental, and Recreational Programming Committee held earlier. The following items were discussed: 1) an update of the OpenGov software for the enterprise management system for asset and parcel management. The parcel management component of the software will be implemented in December; 2) a personal services agreement with Ronald Warner for consulting services on behalf of the Recreation Department; and 3) an executive session was held to discuss security matters.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the meeting of the Economic Development Committee held on May 15th. The following items were discussed: 1) the continuation of the engagement with Todd Davis, Esq. as the City's environmental consultant and development attorney; and 2) the expansion of the City's environmental consultant services agreement with Verdantas.

Mrs. Fenderbosch stated that Ordinance No. 23-96 pertains to the continued legal counsel and environmental consultant services with Attorney Davis, but she does not believe he is an environmental consultant and the environmental consultant services (Ordinance No. 23-97) should be with Verdantas.

Law Director Ebert stated that Attorney Davis also advises cities on environmental procedures that are necessary. Therefore, he is a legal consultant on environmental issues.

Mrs. Fenderbosch inquired if the City will retain the services of Verdantas (Ordinance No. 23-97) as an environmental consultant outside of the Brownfield Remediation Program and, if so, should Ordinance No. 23-96 and No. 23-97 be amended to identify these services.

Law Director Ebert responded that Attorney Davis is the City's legal counsel concerning environmental matters. An amendment could be made but it is only the title of the legislation that Mrs. Fenderbosch questioned. The body of the legislation is the essence of the document, and it is satisfactory as written.

Mrs. Fenderbosch requested the amendment if Mr. Arnold, as a sponsor, is agreeable.

Mr. Arnold agreed to the amendment and stated that Ordinance No. 23-97 specifies the Power Plant, and he questioned if the City could use Verdantas for other services.

In response, Law Director Ebert stated that Verdantas can be used for other environmental services, and that provision will be included in the contract.

Amendments will be made before passage of Ordinance No. 23-96 and No. 23-97.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Monday, June 5th at 5:30 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Wednesday, June 14th 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 May 17th. The following topics were discussed: 1) the Access Control Project in the Police Department; 2) the Memorandum of Understanding with the Lorain County Board of Commissioners for a software user agreement for Lorain 911; 3) the donation of SCBA (self-contained breathing apparatus) packs to the Eaton Township and Lorain County JVS with an estimated value of \$1,500.00; and 4) the Alert Avon Lake, which is the new emergency alert system replacing Code Red. None of the contact information with Code Red was retained, and residents will have to sign up again for this new system. The Administration will notify residents of this new system and the need for them to sign up.

Mayor Zilka stated that Communications & Technology Director Cagley and her staff coordinated the system with the Fire Chief and Police Chief and designed a postcard that will be sent to all households explaining the system. This alert system will focus on alerts specific to Avon Lake, such as a water breakdown in a neighborhood. It will be very effective and will be coming soon.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Tuesday, June 13th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, June 6th 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, May 24th 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, May 24th at 5:30 p.m. at the Lake House.

TREE COMMISSION REPORT

The next meeting of the Tree Commission will be held on Wednesday, June 14th at 7:00 p.m. at the Old Firehouse and Community Center.

AUDIENCE PARTICIPATION

Rob Shahmir, 31705 Driftwood Cove, Avon Lake addressed Council regarding Ordinance No. 23-82 on the conflict waiver in the contract which states:

“Conflict Waiver. As explained during our interview, our firm traditionally represents property owners and developers in development matters, including land use and zoning. In agreeing to undertake this representation, we need to ensure that our firm is not prevented from representing clients in land use and zoning matters either involving or before the City of Avon Lake. You have agreed to waive any such conflict, which waiver effectuated through the signature of this engagement letter.”

Based on this engagement letter, the City waives all conflict issues, and Berns, Ockner, and Greenberger can represent any entity that develops parcels within the Avon Lake Power Plant including Charah and all ancillary entities that are involved with the

redevelopment. Therefore, the City will allow Berns, Ockner, and Greenberger to work for anyone including those that intend to redevelop, develop, or clean up the site for resale.

Law Director Ebert stated that Berns, Ockner, and Greenberger do not represent anyone involved in the redevelopment of the Avon Lake Power Plant. He conducted due diligence and confirmed that no conflict of interest currently exists. However, should a conflict arise in the future, there is a provision to terminate the contract.

Mr. Shahmir responded that after Berns, Ockner, and Greenberger conclude their rezoning consultant services, then the contract is terminated, and they can work with Charah or any other developers. Since Charah or the Charah entity, ALERG (Avon Lake Environmental Redevelopment Group), is paying the consultant fees on behalf of the City, Mr. Shahmir believed this to be a conflict and does not support the optics of this relationship.

Law Director Ebert stated that Ordinance No. 23-82 will be presented for passage tonight authorizing the Mayor to enter an agreement with Berns, Ockner, and Greenberger. He will conduct additional research on the provision raised by Mr. Shahmir before the contract is signed by the Mayor.

Mr. Zuber stated that Berns, Ockner, and Greenberger can represent anyone they choose when the contract is completed, and the City cannot dictate who they can or cannot represent regarding a rezoning issue.

Law Director Ebert agreed that when the contract is over Berns, Ockner, and Greenberger can represent whoever they choose but he could include language in this contract that is contingent upon representing someone in the future on a zoning issue. He will research both issues raised.

Mr. Arnold stated that he will not move to suspend the rule requiring three readings on Ordinance No. 23-82 to allow the Law Director additional time to review the contract.

MOTION

Mr. Kos moved to donate 30 Self-Contained Breathing Apparatus (SCBA) packs to Eaton Township and County JVS with an estimated value of \$1,500. The Fire Department acquired new SCBA packs, and Chief Betsa recommended donating the older packs that can be used by another agency.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

Ordinance No. 23-72, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO SELL A PORTION OF 180 SHIELDS AVENUE TO LAKE VETERINARY PROPERTIES, LLC. AND DECLARING AN EMERGENCY, was read by title only.

Mr. Arnold moved for passage of Ordinance No. 23-72. This legislation authorizes the Mayor to execute a purchase agreement to sell 1.66 acres of Permanent Parcel No. 04-00-006-114-077, also known as 180 Shields Avenue, to Lake Veterinary Properties in the amount of \$100,000. This parcel consists of 40.0580 acres and 1.66 acres will be split upon transfer. Lake Veterinary Properties LLC intends to use this acquisition for the future development of its veterinary campus.

Mr. Zuber requested the Clerk of Council to provide a copy of this legislation to the Zoning Board of Appeals.

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

No: None

Motion carried.

Ordinance No. 23-72 adopted.

Ordinance No. 23-75R, AN ORDINANCE APPROVING WAGE INCREASES FOR THE AVON LAKE MUNICIPAL COURT PERSONNEL AND DECLARING AN EMERGENCY, was read by title only.

Mr. Zuber moved for passage of Ordinance No. 23-75R. This legislation will increase the wages of the Municipal Court employees, and they will also receive two additional days off per year as ordered by Judge Bilancini.

Mrs. Fenderbosch noted that the City pays 3/5 of the Clerk of Court and the Bailiff's wages, and 2/5 of their wages are paid by the Lorain County treasury.

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

No: None

Motion carried.

Ordinance No. 23-75R adopted.

Second Readings:

Ordinance No. 23-82, AN ORDINANCE PROVIDING FOR LEGAL COUNSEL REGARDING ZONING MATTERS PURSUANT TO THE REDEVELOPMENT OF THE AVON LAKE POWER PLANT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will retain the legal services of Berns, Ockner & Greenberger for rezoning issues at the Power Plant site for an amount not to exceed \$25,000. As noted earlier, a

motion to suspend the rule for three readings will not be presented because the Law Director will conduct additional research on the issues raised by Mr. Shahmir.

Ordinance No. 23-87, AN ORDINANCE AUTHORIZING A DONATION TO VILLAGE PROJECT AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved to suspend the rule requiring three readings.

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

Council President O'Donnell moved for passage of Ordinance No. 23-87. This legislation will authorize the donation of \$8,000 to Village Project. Village Project is a non-profit organization that provides nourishing meals and extended care to individuals and their families who are experiencing the effects of cancer treatments. Village Project is in the City of Bay Village, and they offer this service to the neighboring communities of Rocky River, Avon, and Avon Lake. Since they are active in the City, the Finance Committee recommended a financial donation to support Village Project on behalf of the residents in Avon Lake who benefit from their service.

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

Ordinance No. 23-87 adopted.

Ordinance No. 23-89, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN PART-TIME NON-BARGAINING UNIT PERSONNEL AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Ordinance No. 23-89. This legislation will approve wage increases for long-standing part-time Police Officers (Keith Riggs, Sean Yonkers) and Dispatchers (Victoria Haag, Jennel Trifiletti) effective June 5th as recommended by Chief Molnar.

In response to Mr. Arnold, Mr. Zuber stated that these employees are paid based on the Step 1 hourly wage of their respective position, and they receive increases whenever the Step 1 hourly wage is increased. Chief Molnar recommended their hourly wage to be 10% above the Step 1 hourly wage because they are long-standing and dedicated employees and should receive an hourly wage above the current Step 1 position.

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

No: None

Motion carried.

Ordinance No. 23-89 adopted.

First Readings:

Ordinance No. 23-93, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF POLICE CAPTAIN IN THE POLICE DEPARTMENT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Police Captain in the Police Department that was introduced by Chief Molnar and will be involved with the contract negotiations.

Ordinance No. 23-94, AN ORDINANCE CONFIRMING THE EMPLOYMENT OF KATHLEEN REDNOUR, AS PART-TIME VICTIM ADVOCATE AND CONFLICT RESOLUTION MEDIATOR FOR THE POLICE DEPARTMENT, ESTABLISHING THE COMPENSATION FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

This legislation will confirm the employment of Kathleen Rednour as a part-time Victim Advocate and Conflict Resolution Mediator for the Police Department at the hourly rate of \$31.00 effective June 13, 2023 as recommended by Chief Molnar.

Ordinance No. 23-95, AN ORDINANCE FIXING A PAY RANGE FOR URBAN FORESTER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will fix a pay range for the position of Urban Forester in the Public Works Department of \$60,337 to \$80,080. The City intends to apply for a grant with the State as soon as it is available that will fund the salary of an Urban Forester for up to five years.

Ordinance No. 23-96, AN ORDINANCE PROVIDING CONTINUED LEGAL COUNSEL AND ENVIRONMENTAL CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

Mr. Arnold moved to amend Ordinance No. 23-96 to eliminate “environmental consulting services” in the title of the legislation and eliminate the words, “and environmental consulting services” phrased in Section 4.

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

No: None

Motion carried.

Ordinance No. 23-96, AN ORDINANCE PROVIDING CONTINUED LEGAL COUNSEL AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 23-96. This legislation will provide for continued legal counsel of Todd Davis for the professional services of the brownfield redevelopment on the west side of the City in an amount not to exceed \$35,000.

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

No: None

Motion carried.

Ordinance No. 23-96 adopted.

Ordinance No. 23-97, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR THE OHIO BROWNFIELD REMEDIATION PROGRAM PHASE II AND DECLARING AN EMERGENCY, was read by title only.

Mr. Arnold moved to amend Ordinance No. 23-97 to add “and other environmental service needs of the City of Avon Lake” in the title of the legislation and to add “any other environmental service needs of the City of Avon Lake” in Section 4.

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

No: None

Motion carried.

Ordinance No. 23-97, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR THE OHIO BROWNFIELD REMEDIATION PROGRAM PHASE II AND OTHER ENVIRONMENTAL SERVICE NEEDS OF THE CITY OF AVON LAKE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 23-97. This legislation will authorize the Mayor to execute a personal services agreement with Verdantas for the environmental needs or concerns of the City on the Power Plant or any future environmental concerns of the City in an amount not to exceed \$20,000.

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

No: None

Motion carried.

Ordinance No. 23-97 adopted.

Ordinance No. 23-98, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE LORAIN COUNTY BOARD OF COMMISSIONERS FOR THE INSTALLATION OF UPDATED COMPUTER AIDED DISPATCH, RECORD MANAGEMENT SYSTEM, AND MOBILE COMPUTING PLATFORM AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter a Memorandum of Understanding with the Lorain County Board of Commissioners for the software use of Computer Aided Dispatch, Record Management System, and Mobile Computing Platform with Tyler Technologies with County 9-1-1 by the Police Department and Fire Department.

Ordinance No. 23-99, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR PARKS AND RECREATION CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. David moved for passage of Ordinance No. 23-99. This legislation will authorize the Mayor to sign a personal services agreement with Ronald Warner at a cost not to exceed \$2,500 per month. Mr. Warner has been working in a volunteer capacity on several projects in the Recreation Department; namely, the new Bleser Park Basketball Court and the Mark Price Basketball camp. Mr. Warner has experience in event management and marketing and will be working with the Recreation Department on several large-scale projects. His focus will be the solar eclipse that will occur on April 8, 2024. He will ensure the project is well organized and the City is well represented while seeking sponsorship opportunities.

Ordinance No. 23-100, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE PROPERTY ON WEST SHORE ROAD FROM DAVID J. HENGST AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-100. This legislation will authorize the Mayor to execute an agreement to purchase property on West Shore Road from David J. Hengst in the amount of \$86,000.00.

Chief Utility Executive Rob Munro addressed Council regarding Ordinance No. 23-100 and Ordinance No. 23-101. He explained that the Avon Lake Board of Municipal Utilities is preparing for the future expansion of the Water Filtration Plant and these two ordinances represent a total of three parcels west of the plant. Mr. Hengst has agreed to sell two parcels on West Shore Road to the City, and Mr. and Mrs. Huerner have agreed to sell one parcel at 64 West Shore Road. The Board approved these acquisitions because Avon Lake Regional Water must expand its capacity to ensure that water can be supplied to its customers, 87% of customers are outside of Avon Lake. There will be additional acquisitions for this project.

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

No: None

Motion carried.

Ordinance No. 23-100 adopted.

Ordinance No. 23-101, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 64 WEST SHORE ROAD FROM THOMAS AND MARY HUERNER AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-101. This legislation will authorize the Mayor to execute a purchase agreement with Thomas and Mary Huerner to purchase 64 West Shore Road in the amount of \$400,000.00.

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

No: None

Motion carried.

Ordinance No. 23-101 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch displayed the 2022 Project of the Year trophy that was awarded to the Ozone Garden by the Avon Lake Community Council. This garden is a teaching instrument on air pollution that was funded by a grant from the Smithsonian and works with the National Atmospheric Research Center in Boulder, Colorado, and a network of other ozone gardens throughout the world. There are two gardens, one has ozone-sensitive seeds and the other has seeds that are not sensitive to ground ozone. Air pollution

causes the leaves of the plants grown from the sensitive seeds to become stippled. Avon Lake High School students photograph the leaves, measure the height of the plants, and send that information to the Harvard/Smithsonian Partnership. This is real science that is verifiable by a NASA satellite that was launched two months ago. The garden is a perpetual scientific study that involves the City, the Avon-on-the-Lake Garden Club, the Avon Lake High School Environmental AP Class, and the Avon Lake Public Library. It teaches us how ground ozone can be lowered. Ground ozone affects the respiratory system and cardiovascular system of humans and animals and the vascular system of plants. Wherever there is a high concentration of ozone, food cannot be produced. It can be lowered through carpooling, walking, or cycling use. Ground ozone does not exist in darkness, only if there is light and pollution. An informational kiosk has been placed inside the library in the children's area. This garden was voted the number one environmental garden in the State of Ohio, and it will be judged at the national garden club competition.

PUBLIC INPUT

Rob Shahmir, 31705 Driftwood Cove, Avon Lake thanked Councilwoman David and the City Administration for obtaining an environmental consultant and requested that someone from the consulting firm attend the next EAAB meeting on June 7, 2023.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(1)(4), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the employment of a public employee and collective bargaining matters.

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

No: None

Motion carried.

Adjournment: 8:20 P.M.

RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 8:30 P.M.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber.

Also Present: Mayor Zilka, Law Director Ebert, and Finance Director Widman.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:31 P.M.

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

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