

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MAY 9, 2023**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on May 9, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Zuber 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, and K. C. Zuber; Mayor Zilka; Finance Director Widman; City Engineer Howard; and Clerk of Council Valerie Rosmarin.

Absent: Mark Spaetzel and Law Director Ebert.

APPROVAL OF MINUTES

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

CORRESPONDENCE

Sean Plunkett emailed the Clerk of Council his letter of resignation effective May 17, 2023.

MAYOR'S REPORT

The Search and Rescue training trailer visited the Avon Lake Fire Department, and 10 fire departments participated in training. This trailer is designed to simulate events that require the use of search and rescue techniques and using this trailer for training purposes is essential. This year there have been several house fires in the City, and the Avon Lake Fire Department is well-trained and was well-prepared. Several people were rescued from an apartment in one of the fires.

The Self-Contained Breathing Apparatus (SCBA) arrived. These tanks are worn by firefighters when fighting fires. SCBAs have an expiration date and can only be filled a certain number of times. The City has applied for a grant to offset the cost of these tanks.

The Avon Lake Boat Club is sponsoring a food drive to benefit Community Resource Services (CRS) on Saturday, May 13th from 9 a.m. to 1 p.m. at the City pool in Bleser Park.

The emergency alert system or Code Red is no longer active, and the City will decide on its replacement because there are other options for residents to learn about weather conditions or receive alerts. Communications and Technology Director Barb Cagley and Fire Chief Betsa are developing a new system that will be announced shortly.

Make Music Day will be held on Wednesday, June 21st at Veterans Memorial Park from 2 p.m. until 9 p.m. It is a free celebration of music that occurs around the world on the same day in over 1,000 cities and 120 countries. The festival started in France in 1982, and it is a different kind of festival and is open to anyone who wants to participate. Musicians, young and old, amateur, or professional of varying musical persuasions will pose in streets, parks, and porches to share their music with friends, neighbors, and strangers. The event is a partnership between Music on a Mission and the City of Avon Lake. Music on a Mission is an organization started by resident Marilyn Ziedner that is operated at Carnegie Hall off Krebs Road.

Mr. Kos stated that Code Red didn't only provide weather alerts. There were times when alerts on safety issues were disseminated through the Code Red system. Mr. Kos, as chair of the Public Safety and Health Committee, requested further discussion of Code Red's replacement be discussed at the next Committee meeting on May 17th.

Mayor Zilka responded that he will have its replacement reported at that meeting, and stated that Code Red's costs were high, and the City is developing a system with the local website company, Emerge. This new system will be flexible and less expensive. Unfortunately, the database from Code Red has been lost and residents will have to register for the new system.

COUNCIL PRESIDENT'S REPORT

A Work Session followed by a Collective Committee Meeting will be held Monday, May 15th at 7:00 p.m.

The next Council Meeting will be held Monday, May 22nd at 7:00 p.m.

CITY ENGINEER'S REPORT

City Engineer Howard reported that the re-bid for the safety grant for the Rapid Rectangular Flashing Beacons (RRFBs) that will be installed at Walker Road and Armour Road, and Lear Road and Creekside Drive will open on May 30th. The previous bid was over the estimate. It is hoped that the 2023 Asphalt Program will go out for bid next week. The milling for the ODOT Urban Paving Project on Lake Road is tentatively scheduled to start on May 18th.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held on Monday, May 22nd at 6:00 p.m. in the Council Chamber.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held on Monday, May 15th at 6:00 p.m. in the Council Chamber.

The next meeting of the Community Improvement Corporation (CIC) will be held on Friday, May 12th at 9:00 a.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the Human Resources Committee meeting held earlier. The following topics were discussed: 1) promotions of a Lieutenant and Sergeant in the Police Department; 2) appointment of a Police Officer; 3) wage increases for part-time Police Officers and Dispatchers; 4) job description for the new position of Captain in the Police Department; 5) appointment of a Mediator in the Police Department; and 6) salary range for the Urban Forester.

The next meeting of the Human Resources Committee will be held in June on a date to be determined because the Human Resources Director will not be available on the regularly scheduled date.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

On Monday, May 15th a Work Session will be held and Mark Adams, Commissioner of the Lorain County Health Department, will present the Health Department's Annual Report for 2022.

The next meeting of the Public Safety and Health Committee will be held on Wednesday, May 17th 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 Monday, May 16th at 5:30 p.m. in the Council Chamber.

Mrs. Fenderbosch explained that Ordinance No. 23-90 will be added to the agenda. The ordinance pertains to a contract with Quality Construction Inspectors (QCI) that was discussed at a committee meeting and the Collective Committee Meeting. It was delayed from moving forward to the Council Meeting because the contract needed to be reviewed by the Law Director. The contract has been approved and there is an urgent need to obtain Council's approval because the Engineering Department needs assistance with inspecting subdivisions.

Mr. Arnold stated that he has a conflict of interest with the contractor and requests permission to abstain from voting.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, May 16th 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 6:00 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.

CITIZENS TREE COMMISSION REPORT

The next meeting of the Citizens Tree Commission will be held on Wednesday, May 10th at 7:00 p.m. at the Old Firehouse and Community Center.

An Ohio State University Master Gardener will give a PowerPoint presentation about the Spotted Lanternfly at this meeting. There is an invasion of Spotted Lanternflies across the United States. The presentation will explain how to spot Spotted Lanternflies and what to do with them when you do find them, and how to keep the Spotted Lanternfly from continuing to destroy vegetation.

AUDIENCE PARTICIPATION

Rob Shahmir, 31705 Driftwood Court, Avon Lake, as a resident and a member of the Environmental Affairs Advisory Board (EAAB), addressed Council regarding Ordinance 23-82. He stated that Avon Lake Environmental Redevelopment Group (ALERG) will be funding the rezoning on behalf of the City regarding the Power Plant redevelopment. It is quite unusual for a developer to fund a City's consultant fees for rezoning studies. The EAAB has been requesting the City hire an environmental consultant for advice. The firm Berns, Ockner & Greenberger was selected as the consultant for the rezoning, and the term of their contract has a conflict waiver which waives the City's rights to any conflicts of interest that may arise. This is also unusual especially since ALERG and the City have engaged in ongoing community redevelopment discussions and negotiations with ALERG's redevelopment plans for the real estate. Also, the contract states that ALERG has completed the acquisition of the Avon Lake Generating Station and certain adjacent properties and has begun environmental remediation. To date, there has not been any environmental remediation. At best, they have completed a Phase 2 investigation. There are many questions in this phase, and the optics look bad because a developer will fund rezoning that ALERG may want to forward to Council or Zoning.

William Zimmerman, 241 Moorewood Drive, Avon Lake addressed Council regarding Ordinance No. 23-73. He questioned why Council would want to give Mr. Kopf another opportunity. Mr. Kopf was convicted of bribing a past Mayor, and that conviction was expunged over time. But he continues to build in Avon Lake, and now he seeks a tax abatement to build apartments. Hasn't the City made Mr. Kopf enough money? He has made so much money that he has moved out of Avon Lake. But the City will keep paying him to build and now he will set aside money for the schools since the schools are an important issue due to their age. It is not good to do business with a man who has had a bad past. Last week, the Mayor announced that a liquor license application was curtailed because the applicant had a past conviction, and nobody discusses Mr. Kopf's past issues.

Council President O'Donnell informed Mr. Zimmerman that the liquor license application was curtailed by the State and requested a response from Mayor Zilka.

In response, Mayor Zilka stated that the requested tax abatement is on the properties Mr. Kopf is proposing to develop at Towne Center, and he received a tax abatement several years ago for the development of Aqua Marine. Mayor Zilka, as a member of Council at that time, voted for that tax abatement because that area of the City was deteriorating very quickly, and a tax abatement was an option to have that area developed because no developers were interested. Aqua Marine was a great success and one of the most successful urban renewal projects in the State of Ohio. A 100% tax abatement was requested for the Towne Center development, and the schools will receive a 25% return from Mr. Kopf. Those funds given to the schools are without any strings attached and they allow the schools to fund programs that they would not otherwise have the resources to offer. The difference between the two developments is that Towne Center is not a distressed area.

MOTIONS

Council President O'Donnell moved to add a motion to the Council Agenda to allow Mr. Arnold to abstain from voting on Ordinance No. 23-90.

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

No: None

Absent: Spaetzel

Motion carried.

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance No. 23-90 pursuant to Codified Ordinance 220.19(b).

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

No: None

Absent: Spaetzel

Motion carried.

LEGISLATION

Mrs. Fenderbosch moved to add Ordinance No. 23-90 to the Council Agenda regarding the contract for construction inspection services.

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

No: None

Absent: Spaetzel

Motion carried.

Regarding Ordinance No. 23-82, Mr. Arnold asked why a motion to suspend the rule for three readings will not be presented for Ordinance No. 23-82. In response, Council President O'Donnell stated that Law Director Ebert has not completed legal review of the contract.

Second 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.

This legislation will authorize the Mayor to execute a purchase agreement to sell 1.66 acres of 180 Shields Avenue to Lake Veterinary Properties, LLC for \$100,000. The Avon Lake Animal Hospital will expand its business with this purchase.

Mayor Zilka stated that Avon Lake Regional Water uses this property but officially it is owned by the City of Avon Lake. The property will offer the purchaser some flexibility in their future service to the community.

Ordinance No. 23-73, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH KOPF PROPERTIES LTD. WITHIN THE COMMUNITY REINVESTMENT AREA DESIGNATED BY THE CITY OF AVON LAKE AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into a CRA Tax Incentive Agreement for a 100% tax abatement for 10 years for the construction of 120 apartment units. The property to be developed is next to Parker's Grille and Tavern in Towne Center. If approved, the project will start in September of 2023 and be completed in the fall of 2025. The CRA Housing Council and the Avon Lake City Schools Board approved the 100% tax abatement with 25% being returned to the schools. It is uncommon for residential apartment complexes to receive a tax abatement but there is a need to have other housing options in Avon Lake since many people cannot afford to pay the \$500,000 to \$600,000 cost of a new home being developed. Apartment living is a stepping stone to attaining a house. This will be a mid- to high-range apartment complex with rents ranging from \$1,400 to \$1,600.

Mr. Kos stated that he has been contemplating the tax abatement and has discussed this issue with several people in the community. He has concerns about granting a tax abatement for residential property. As stated, there was a tax abatement granted to a residential property, Aqua Marine, and that was for good use. There is not much of a precedent, and he is concerned about future residential developments and developers requesting the same tax abatement. Based on that reason, Mr. Kos stated that he is not comfortable supporting this legislation. He would, however, be comfortable if there was a commercial development component to this development. Not only the residential facility but a commercial aspect of a new building in the shopping center space or the redevelopment of existing buildings or additions. Then he would be supportive. But if it is strictly residential, he will vote in opposition to the tax abatement.

Mrs. Fenderbosch stated that there is a commercial aspect to this development, and it is called Topps. Topps no longer has a lease, and the space is available. The difficulty has been convincing a company that if they moved into Towne Center, that a certain number of people will walk into their establishment. The development of 120 apartments in the mid-to-high-end range with two to three individuals per apartment, the City could promote a walkable community through this population of potential customers in proximity to their business. When the City updated its Land Use Plan, a decision was made to make Avon Lake a more walkable community, and this development would achieve this goal while bringing in another type of housing market.

Mrs. Fenderbosch refuted Mr. Zimmerman's claim by stating that Mr. Kopf lives in Avon Lake, and his business is in Avon Lake, and it has expanded outside of Avon Lake.

Mr. Zuber stated that when this tax abatement proposal was presented to City Council nine months ago, he didn't support it then and is not going to support the tax abatement.

Mr. Arnold stated for clarity, that the Avon Lake City Schools Board receives around 80% to 85% of the property taxes, and the City receives only a small percentage. The School Board all voted yes on the tax abatement.

Mrs. Fenderbosch stated that if the property is not developed, there will not be an increase in property taxes on the vacant land. But if something is built, there will be additional tax revenues, and after the 10-year abatement the buildings will still exist and Towne Center will be rejuvenated.

Ordinance No. 23-74, AN ORDINANCE CHANGING THE AUTHORIZED FULL-TIME PERSONNEL ROSTER OF THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-74. This legislation will update the personnel in the Fire Department by adding one Firefighter/Paramedic per shift for a total of three additional Firefighter/Paramedics. Increasing the Fire Department structure has been debated over the last several years, and during the past 20 years, several studies on the Fire Department have occurred.

Mayor Zilka stated that Chief Betsa and others in the Fire Department have made a compelling argument that supports the increase. The studies referenced have found the Fire Department is inadequate, and the increase will allow the City to be more effective and better serve the community. When there isn't enough staffing in the department, the City relies on overtime to fill the gaps.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-74 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.

This legislation will increase the wages of the employees at the Municipal Court, and they will receive two additional days off per year as ordered by Judge Bilancini.

First Readings:

Ordinance No. 23-81, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT WITH AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP, LLC FOR THE POWER PLANT REDEVELOPMENT PROJECT AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 23-81. This legislation will authorize the Mayor to execute a professional services agreement with ALERG for the reimbursement of any expenses the City incurs regarding environmental consulting services for the Power Plant redevelopment.

Mr. Zuber requested the Clerk of Council forward Mr. Shahmir's questions to Attorney Todd

Davis, the City's environmental representative, to obtain clarification on the issues he raised.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-81 adopted.

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.

This legislation will retain the legal services of Berns, Ockner & Greenberg 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 requested additional time to complete due diligence of this law firm.

Mr. Arnold asked Mrs. Fenderbosch, as a member of the Planning Commission, if she had any comments on this legislation. In response, she stated that Law Director Ebert will advise on the zoning issues and will have more information for Council next week.

Council President O'Donnell acknowledged Mr. Shahmir's concerns and confirmed that Law Director Ebert is researching a legal issue.

Ordinance No. 23-83, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 294 CITIZEN TREE COMMISSION AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-83. This legislation will amend Codified Ordinance Chapter 294, Citizen Tree Commission. When the legal department reviewed this chapter, they recommended several updates to align with the current practices of other communities and forestry standards. One recommendation was changing the name of the commission from Citizen Tree Commission to Tree Commission.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-83 adopted.

Ordinance No. 23-84, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 668 VEGETATION AND LITTER, CHAPTER 1010 STREETS, CURBS, AND SIDEWALKS GENERALLY, CHAPTER 1018 MUNICIPAL TREE ORDINANCE, CHAPTER 1065 LICENSING OF LANDSCAPE CONTRACTORS, CHAPTER 1070 AVON LAKE PARK AND ASSEMBLY HALL, AND CHAPTER 1490 EXTERIOR MAINTENANCE CODE AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-84. This legislation will amend numerous sections in the Codified Ordinances that change the terminology of City Arborist to Urban Forester. The work of a City Arborist is now completed by a journeyman or a laborer, and an Urban Forester is a professional with a Bachelor of Science Degree in Forestry and beyond. Also, there were other terms throughout these ordinances that are no longer in use, e.g. city instead of municipality.

Mrs. Fenderbosch recited all changes in Chapter 1065, 1070, and 1490.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-84 adopted.

Ordinance No. 23-85, AN ORDINANCE DECLARING A 90-DAY MORATORIUM ON THE ENFORCEMENT OF CODIFIED ORDINANCE SECTION 1216.06(a) AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-85. This legislation will declare a 90-day moratorium on the enforcement of Codified Ordinance Section 1216.06(a) regarding the raising of crops and livestock and animals which are identified in Table 1216.4 and, specifically, places a moratorium on citations of residents who have backyard chickens and are in violation of the minimum lot area for this use, or five acres. Without a moratorium, residents can only raise chickens if their property is zoned agricultural. The City intends to develop a backyard poultry program and plans to work

with the Ohio State University Extension Service. The Code Administrator and a committee appointed by Council will review the applicable codes and form a response on potential amendments to the code.

Mr. Kos stated that the proposal to amend the Planning and Zoning Code was first presented formally at the Collective Committee Meeting last week. He was a little surprised that draft ordinances were being written in preparation for Planning Commission or whichever body will review the draft. He spoke with several department heads and other members of the City, and they raised some questions on this issue. There is a zoning component to this issue, and the City should take some time to go through the committee process. When reviewing other types of legislation, such as the dog ordinance, Council did not pass that legislation on behalf of responsible dog owners. It was to ensure protection from the irresponsible dog owners. The current ordinances state that a resident cannot own fowl unless they own five acres of land. If the City starts a permit process, Mr. Kos recommended that the City take slow, methodical steps that will allow for discussion before any of these items move forward.

Mrs. Fenderbosch responded by stating that there is a very active grassroots group in the City, and they contacted Director Esborn. Currently, anyone can file an application with Planning Commission to amend the Planning and Zoning Code. They would meet with the Code Administrator, who is Director Esborn. After this grassroots group met with Director Esborn, their proposal was discussed with the City Review Committee, which is comprised of Department Heads, and Mrs. Fenderbosch was advised that everyone signed off except for the Police Chief who has additional questions. She was asked by the Administration and Council to work with the grassroots group and collect information. The group put together an ordinance, and the City is working with the Ohio State University Extension Service, which is the lead expert in this area. Several ordinances will be developed, and this will be processed methodically through the Public Service Committee first, and then it will be processed by the Community Development Director, who assembles the agendas for Planning Commission.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-85 adopted.

Ordinance No. 23-86, AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE OHIO EMERGENCY MANAGEMENT AGENCY GRANT AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-86. This legislation authorizes the Mayor to accept a grant of \$420,505.90 from the Emergency Management Agency which will defray the salary of the two new Police Officers for two years.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-86 adopted.

Ordinance No. 23-87, AN ORDINANCE AUTHORIZING A DONATION TO VILLAGE PROJECT AND DECLARING AN EMERGENCY.

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 located 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.

Ordinance No. 23-88, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CURTIS W. SILVERS, II AS POLICE OFFICER IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-88. This legislation will confirm the appointment of Curtis W. Silvers, II to the position of Police Officer in the Police Department at the Step 3 salary of \$35.02/hour effective May 22nd.

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

No: None

Absent: Spaetzel

Motion carried.

Ordinance No. 23-88 adopted.

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

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. Chief Molnar established criteria to compensate part-time Police Officers and Dispatchers for their faithful and long-standing service to the City and has recommended a wage increase that is 10% above the current Step 1 rate of their respective bargaining unit.

Ordinance No. 23-90, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION INSPECTION SERVICES AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: Spaetzel

Abstention: Arnold

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-90. This legislation will authorize the Mayor to execute a professional services agreement with Quality Control Inspections (QCI) of Garfield Heights, Ohio. In February, the City advertised Requests for Proposals (RFPs) for subdivision inspection services and inspection services for the Walker Road paving, and possibly CALDP Phase II. Six responses were received, and QCI was selected by former City Engineer Beth Fulton as the best response. They are qualified and have previously worked in the City and have experience with the developers and the subdivisions.

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

No: None

Absent: Spaetzel

Abstention: Arnold

Motion carried.

Ordinance No. 23-90 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

- Council President O'Donnell, as current President of the Avon Lake Community Council, announced the 2022 Citizen of the Year and Project of the Year awards. The Community Council is comprised of 24 non-profit organizations in Avon Lake. For the past 13 years, they have honored residents and worthy projects in Avon Lake. This year two residents and two projects were selected. The awards will be presented on Thursday, May 18th at 6:00 p.m. at the Avon Lake Public Library. The event is open to the public.

Citizens of the Year:

Mark Sommers has dedicated his time and experience by establishing youth programs of all levels in the community and initiated a program to acknowledge and honor the City's veterans with the Avon Lake Veterans Never Forgotten banner program. This program will be unveiled on Memorial Day. Mr. Sommers is also a member of the Avon Lake Boosters.

Judy Kaminski has been a volunteer at the Peter Miller Museum and served as an educator for school children and residents visiting the site. She has been a member of the Avon-on-the-Lake Garden Club for over 25 years.

Projects of the Year:

Bleser Park Basketball Courts. Resident Ron Warner was instrumental in obtaining sponsors to fund the renovation project and worked with the Avon Lake Recreational Department on its completion. These courts are used by the youth daily.

Ozone Garden. This garden was designed and planted in partnership with the Avon-on-the-Lake Garden Club, the Avon Lake Public Library, local Boy Scouts, and the Avon Lake High School Environmental Classes. This garden serves as an educational lab for students and adults on the effects of ozone. Mrs. Fenderbosch was a major organizer for the Ozone Garden.

- Mrs. Fenderbosch announced that the annual plant sale of the Avon-on-the-Lake Garden Club will be held on Saturday, May 20th at the Goddard School on Avon Belden Road from 9:00 a.m. until 12:00 noon. All funds raised will be used to maintain and cultivate 11 gardens in the City by the Garden Club.

PUBLIC INPUT

Rob Shahmir, 31705 Driftwood Court, Avon Lake, as a resident and a member of the Environmental Affairs Advisory Board (EAAB), addressed Council regarding the hiring of an environmental consultant that has been discussed for the past nine months. He urged the Administration and Council to move forward with hiring an environmental consultant instead of a zoning consultant. Charah has made statements regarding geological sciences and the penetration of contamination. The City is in the dark, and it is essential that a third party be retained to advise the City. This consultant would not need to have access to the facility but would advise the City on environmental issues. Until January of this year, Charah was non-existent as a community participant. The City does not understand the difference between an investigation and environmental remediation and is behind when it comes to issues that lead to economic decisions. This is a commercial private development. Council has to ensure that safeguards are in place for the community. Since no one within the Administration or Council is an expert, environmental consultants are needed to provide guidance and advice.

Mayor Zilka acknowledged Mr. Shahmir's knowledge and experience in this field but stated that it is important for the public to be aware that the City does not own the property nor have access to any information. The City is beginning to notice movement in the process, and it is hoped that over the next several months information will be shared. The CIC debated hiring an environmental consultant, but the City does not have access to the facts and Charah is not required to tell us anything. When Charah sells the property, then Phase I and Phase II will become public. (*Mr. Shahmir disagreed with this statement*). The City is monitoring the situation and is confident that it is moving in the right direction.

Mr. Zuber noted that Mr. Shahmir's public input time of five minutes expired and restated that Mr. Shahmir's comments should be transmitted to Attorney Davis for his response. He assured Mr. Shahmir that whoever purchases the property will make sure that there are no environmental issues and guaranteed that Charah will do everything to ensure that the property has been properly cleaned and a prospective purchaser will do their due diligence and the City will too.

Mr. Shahmir asked for time to offer a rebuttal of the Mayor and Mr. Zuber's comments. In response, Council President O'Donnell stated that he will receive 30 seconds.

Mr. Shahmir stated that the EAAB has never asked for an environmental consultant to go onto the property. An environmental consultant specifically advises an entity. There are many cases like this around the country, and he has visited many of those locations. An environmental consultant will inform the City what to look for on private property or not. The City has a responsibility to safeguard the community.

Mrs. Fenderbosch stated that she is not a scientist but has a responsibility to the 25,000+ residents to have an environmental consultant advise the City on what the different terms mean and what are the normal phases. Attorney Todd Davis agreed that an environmental consultant is a good idea. The discussion, however, has to do with the timing of retaining an environmental consultant. Residents have asked her what the City is doing to safeguard them and have requested the City hire an environmental consultant who would talk to the City and the community. There is a need to have someone inform everyone what the normal processes and procedures are. She expressed her appreciation for Mr. Shahmir's initiative in extending his knowledge and expertise that he attained through years of experience. For risk liability, the City needs to hire an environmental consultant soon.

Council President O'Donnell responded to Mr. Shahmir's comments and stated that Council is giving some serious consideration to his recommendations, and the City should have a better answer for him soon.

Mrs. David stated that it was her understanding that Director Esborn was working with Law Director Ebert to determine whether the City would seek an RFQ for an environmental consultant or if the City can change the scope of the consultant used for the grant. She requested Mayor Zilka to provide an update within the next week.

Mrs. Fenderbosch moved for adjournment.

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

Adjournment: 9:15 P.M.

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

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