

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
JUNE 26, 2023**

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on June 26, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos 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.

**APPROVAL OF MINUTES**

The minutes of the Council Meeting on April 24, 2023 and May 9, 2023 were approved as prepared and published.

**MAYOR'S REPORT**

A series of weather events tested the new Alert Avon Lake system, and an issue arose with the integration of the National Weather Alert System. The Communications & Technology Department is actively working with the City's website contractor, Emerge, to fix the issue. Emergency alerts have not been impacted because they are managed by the Avon Lake Safety Forces. Additionally, FEMA, the Department of Homeland Security, and the National Weather Service continue to send emergency alerts to wireless carriers. The inadequacies of the Alert Avon Lake system were discovered on June 26<sup>th</sup> around 7:55 p.m. when the Alert Avon Lake System began sending a weather alert for a National Weather Service-issued thunderstorm warning. The system's email and telephone messages functioned as expected. However, the text messaging component experienced anomalies. Text messages continued to be sent after the warning had ended and lasted until 12:50 a.m. on June 27<sup>th</sup>. Some messages were mistaken as potential spam by wireless providers. Additional research into the problem is ongoing and a statement on the issue will be posted on the City's website. So far, 4,334 residents have signed up for Alert Avon Lake. The system is in the early stages of implementation, and Mayor Zilka requested the public's patience.

Make Music Day held June 21<sup>st</sup> was a successful event. The performances at the Veterans Memorial Park included two ukelele groups, a dulcimer, pianist, guitarist, drummer, One Eye Fred, a local high school rock band, and other musicians. Other events included Open Mic at the Dog House, and some members of the Police Department and others teamed up, like Mayor Zilka and Judge Miraldi, and competed in music trivia at the ALHS football stadium. Mayor Zilka appreciated the efforts of Marilyn Ziedner, resident and founder of

Music on a Mission, City staff, and other community members who participated and helped organize this event.

Fireworks to celebrate Independence Day will be held on Tuesday, July 4<sup>th</sup>, at Weiss Field. Activities will begin at 6:00 p.m.

Mayor Zilka read the obituary of Marilyn Robertson, resident, and former member of Lively Seniors, who died on June 5<sup>th</sup>.

### **COUNCIL PRESIDENT'S REPORT**

A Council Work Session will be held on Monday, July 3<sup>rd</sup> at 7:00 p.m. followed by the Collective Committee Meeting.

The next Council Meeting will be held on Monday, July 10<sup>th</sup> at 7:00 p.m. After that meeting concludes, Council will recess until late August.

### **CITY ENGINEER'S REPORT**

City Engineer Howard reported that the contractor for the Lake Road Repaving Project will begin mulling and pavement repairs this week from SR 83 west to the City's corporation limits. The City is working with ODOT on the centerline, which was incorrectly striped, and ODOT will rectify the centerline according to the specifications.

Mayor Zilka reported that the backup of permits awaiting issuance has been resolved due to the efforts of City Engineer Howard.

### **COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL 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) the conversion of the City's telephone system to an internet-based voice-over IP system; 2) an update on the OpenGov parcel management and asset management system project; and 3) the RFQ (Request For Qualifications) deadline of June 30<sup>th</sup> regarding the Avon Lake Play Space.

### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the meeting of the Human Resources Committee held on June 14<sup>th</sup>. The following items were discussed: 1) an update on the Raftelis report and its recommendation to hire three additional Laborers, with one appointment occurring this evening, and subsequent hirings occurring in the near future; 2) an update on the status of the Engineering Department regarding its staffing in the future; and 3) the staffing structure in the Police Department.

The next meeting of the Human Resources Committee will be held on Monday, July 10<sup>th</sup> 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, September 12<sup>th</sup> at 7:00 p.m. in the Council Chamber. A special meeting may be held in early July.

#### **PLANNING COMMISSION REPORT**

The next meeting of the Planning Commission will be held on Tuesday, July 5<sup>th</sup> 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, June 28<sup>th</sup> 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, June 28<sup>th</sup> at 5:30 p.m. at the Lake House.

#### **TREE COMMISSION REPORT**

The next meeting of the Tree Commission will be held on Wednesday, September 13<sup>th</sup> at 7:00 p.m. at the Old Firehouse and Community Center.

#### **LAW DIRECTOR REQUEST**

Law Director Ebert requested Council hold a special meeting on Thursday, June 29<sup>th</sup> at 5:30 p.m. to consider passage of Ordinance No. 23-119, 23-120, and 23-121 authorizing the Mayor to execute the labor contracts with the Fraternal Order of Police.

Council President O'Donnell stated a minimum of five members of Council will be needed to attend the special meeting on June 29<sup>th</sup>, and he requested Council members to contact the Clerk of Council regarding their availability.

#### **AUDIENCE PARTICIPATION**

Rob Munro, Chief Utilities Executive of Avon Lake Regional Water, addressed Council on Ordinance No. 23-118 authorizing the purchase of two parcels on Avalon Road and three parcels at 90 and 92 Moore Road as approved by the Board of Municipalities on June 20<sup>th</sup>.

Council President O'Donnell asked for clarification on the ownership of the property located on Moore Road. In response, CUE Munro stated the parcels at 90 and 92 Moore

Road are owned by Moore Road Investments LLC; John Dzwonczyk, Chairman of the Municipalities Utilities Board, is the principal business owner of the limited liability corporation. Mr. Dzwonczyk was not involved in the negotiation process, and his attorney, Law Director Ebert and his partner, Connie Carr, conducted all discussions. During the Municipal Utilities Board meeting, Mr. Dzwonczyk abstained from voting and was not present when the Board voted to approve these purchase agreements.

On behalf of Council and the public, Council President O'Donnell requested that Board member Tim Rush attend a future Council Meeting or provide written communication verifying these statements.

In response to Mrs. Fenderbosch, CUE Munro stated that the five parcels being purchased by the City are owned by Moore Road Investments, LLC.

## **MOTION**

Mr. Kos moved to accept the resignation of Deb Beard from the Avon Lake Historical Preservation Commission effective June 19, 2023. Mrs. Beard has been a tremendous asset to the City because of her historical knowledge and excellent research skills. She is one of the original members of the Commission when it was formed in 2010 and helped write the preservation ordinance with the State that was instrumental in the City receiving local certification. Her knowledge and dedication to the City are unmatched, and she vowed to be available for any historical information.

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

## **LEGISLATION**

### Third 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.

Mr. Zuber moved for passage of Ordinance No. 23-93. This legislation will adopt a job description for Police Captain as requested by Chief Molnar. This position will assume the day-to-day operations of a Police Lieutenant.

Yes: Kos, O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch  
No: None  
Motion carried.  
**Ordinance No. 23-93 adopted.**

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.

Mr. Zuber moved for passage of Ordinance No. 23-95. This legislation will fix a pay range of \$60,337 to \$80,080 for the position of Urban Forester in the Public Works Department. The City will be applying for a grant through the Ohio Department of Natural Resources, Division of Forestry that will fund the salary for up to five years.

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

No: None

Motion carried.

**Ordinance No. 23-95 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.

Mr. Kos moved for passage of Ordinance No. 23-98. This legislation will authorize the Mayor to enter into a Memorandum of Understanding with the Lorain County Board of Commissioners for the installation of the CAD records management system and mobile computing platform for the Police Department and Fire Department as recommended by the Public Safety and Health Committee.

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

No: None

Motion carried.

**Ordinance No. 23-98 adopted.**

Second Readings:

Ordinance No. 23-107, AN ORDINANCE FOR THE SUBMISSION TO THE ELECTORATE OF AN AMENDMENT TO THE CITY CHARTER TO AMEND SECTION 12 OF CHAPTER II AND SECTION 20 OF CHAPTER IV AND DECLARING AN EMERGENCY, was read by title only.

This legislation will submit to the electorate an amendment to the City Charter Section 12 and Section 20 establishing when the Mayor's salary should be fixed by Council. After months of studying the Charter, the Charter Review Commission approved amendments that will force Council to act to either increase, decrease, or retain the Mayor's salary by December 31<sup>st</sup> of the first year following the general election. The Charter amendments will be on the November 7<sup>th</sup> ballot.

Ordinance No. 23-108R, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEASE WITH STOP 65 LLC AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-108. This legislation will authorize the Mayor to execute an amendment to the lease with Stop 65 LLC for The Anchor recreation facilities in Beach Park Station. Stop 65 LLC is the current owner of the property and the assignee of the lease agreement between the City and TBP Avon Lake, LLC (the former owner and landlord).

Law Director Ebert stated that the terms and conditions were modified in this amendment to reflect the change in ownership and the monthly rental of \$3,500 for the next three years.

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

No: None

Motion carried.

**Ordinance No. 23-108 adopted.**

Ordinance No. 23-109, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,500,000 FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING A LADDER TRUCK AND APPURTENANT EQUIPMENT FOR USE BY THE CITY'S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the sale of bonds in the principal amount of \$2.5 million for the purchase of a ladder truck. Due to manufacturing time, the City will not receive the ladder truck until 2027. It was determined by the Finance Director and supported by the Finance Committee that the sale of bonds is the best option for funding this purchase.

First Readings:

Ordinance No. 23-114, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CHRISTOPHER TOMANEK AS LABORER 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: Kos, O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-114. This legislation will confirm the appointment of Christopher Tomanek as Laborer in the Public Works Department at the Step 1 rate of \$26.99/hour effective July 17<sup>th</sup>. Mr. Tomanek will be certified by the Civil Service Commission at their next meeting on July 5<sup>th</sup>.

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

No: None

Motion carried.

**Ordinance No. 23-114 adopted.**

Ordinance No. 23-115, AN ORDINANCE CHANGING THE AUTHORIZED FULL-TIME PERSONNEL ROSTER OF THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will change the full-time personnel roster of the Police Department through the addition of two Police Officers and the reduction of one Dispatcher/Records Clerk. Upon passage, the Police Department will have 22 Police Officers and 4 Dispatcher/Records Clerks on staff.

Ordinance No. 23-116, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN PART-TIME NON-BARGAINING POLICE OFFICERS AND DISPATCHERS, REPEALING ORDINANCE NO. 23-89 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-116. This legislation will approve wage increases for certain part-time non-bargaining Police Officers and Dispatchers in the Police Department and repeal Ordinance No. 23-89. When Ordinance 23-89 was passed on May 22, 2023, the increases were unclear. Currently, these employees are paid the Step 1 level rate, and Chief Molnar recommended a 10% increase in their rate that would be connected to future Step 1 level rate increases. Therefore, when the Step 1 level rate increases in the union contract, these non-bargaining employees will also receive the same percentage increase.

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

No: None

Motion carried.

**Ordinance No. 23-116 adopted.**

Ordinance No. 23-117, AN ORDINANCE ALLOWING BEER, WINE, AND HARD SELTZER-TYPE BEVERAGES TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY BEER FESTIVAL TO BE HELD AT MILLER ROAD PARK ON AUGUST 26, 2023 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None  
Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-117. This legislation will allow beer, wine, and hard seltzer type beverages to be sold, served, dispensed, and consumed at the annual Beer Festival hosted by the Avon Lake High School Boosters Club at Miller Road Park on Saturday, August 26<sup>th</sup>.

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

**Ordinance No. 23-117 adopted.**

Ordinance No. 23-118, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 90 AND 92 MOORE ROAD AND AVALON ROAD FROM MOORE ROAD INVESTMENTS, LLC AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a purchase agreement for the purchase of 90 and 92 Moore Road and Avalon Road from Moore Road Investments, LLC for the sum of \$465,000. CUE Monroe addressed Council about this transaction earlier.

Ordinance No. 23-119, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE #25/AVON LAKE DIVISION, POLICE OFFICERS AND DETECTIVES AND DECLARING AN EMERGENCY, was read by title only.

This legislation and Ordinance Nos. 23-120 and 23-121 will authorize the Mayor to enter into an 18-month labor agreement with the Fraternal Order of Police (FOP) that will grant the collective bargaining unit a 4% increase in the first year and a 2% increase for the last six months of 2024. The FOP and the Administration agreed to an 18-month contract ending December 31, 2024 that will change the contract schedule and allow the new Administration the ability to negotiate the next round of contracts commencing January 1, 2025.

Ordinance No. 23-120, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE #25/AVON LAKE DIVISION, SERGEANTS AND LIEUTENANTS AND DECLARING AN EMERGENCY, was read by title only.

Ordinance No. 23-121, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INCORPORATED, POLICE DISPATCHERS AND DECLARING AN EMERGENCY, was read by title only.

Ordinance No. 23-122, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO & CLC LOCAL 836 AND DECLARING AN EMERGENCY, was read by title only.



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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-122. This legislation and Ordinance No. 23-122 will authorize the Mayor to enter into an 18-month agreement with the United Steel Local 836 and 836-1 that will grant the collective bargaining unit a 4% increase in the first year and a 2% increase for the last six months of 2024. The United Steel Workers and the Administration agreed to an 18-month contract ending December 31, 2024 that will change the contract schedule and allow the new Administration the ability to negotiate the next round of contracts commencing January 1, 2025.

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

No: None

Motion carried.

**Ordinance No. 23-122 adopted.**

Ordinance No. 23-123, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO & CLC LOCAL 836-1 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-123.

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

No: None

Motion carried.

**Ordinance No. 23-123 adopted.**

Ordinance No. 23-124, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LABOR AGREEMENT WITH THE AVON LAKE FIREFIGHTERS LOCAL 1361 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-124. This legislation will authorize the Mayor to enter into an 18-month agreement with the Firefighters Local 1361 that will grant the collective bargaining unit a 4% increase in the first year and a 2% increase for the last six months of 2024 and change their work hours from 50 to 48 per week. Also, there is a change in the rank differential of 13%. The Firefighters and the Administration agreed to an 18-month contract ending December 31, 2024 that will change the contract schedule and allow the new Administration the ability to negotiate the next round of contracts commencing January 1, 2025.

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

No: None

Motion carried.

**Ordinance No. 23-124 adopted.**

Ordinance No. 23-125, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-125. This legislation will permit the Finance Director to transfer funds totaling \$1,654,167.00 for July, August, and September 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: Kos, O'Donnell, Spaetzel, Zuber, Arnold, David, Fenderbosch

No: None

Motion carried.

**Ordinance No. 23-125 adopted.**

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mayor Zilka thanked the union representatives for coming to the table in good faith and for good negotiations that allowed the City to settle the terms for a new contract before the current contract ends on June 30th.

Mrs. Fenderbosch moved for adjournment.

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

No: None  
Motion carried.

Adjournment: 7:45 P.M.

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

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