

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

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on July 10, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mr. Spaetzel led the Council, staff, and public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Widman; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the Council Meeting on May 22, 2023 and June 5, 2023 were approved as prepared and published.

CORRESPONDENCE

Avon Lake Municipal Utilities Board Member Tim Rush's letter of June 27th regarding Ordinance No. 23-118 was read in its entirety and submitted into the record (Exhibit A).

MAYOR'S REPORT

Mayor Zilka voiced his appreciation and thanks to all employees who helped organize the Fourth of July Fireworks and Independence Day celebration. The event was a big success and well attended. Chief Molnar and his team supervised traffic and ensured that the crowd was orderly. Chief Betsa and his team were responsible for monitoring the fireworks for safety assurance. Recreation Director Fach and staff member, Jacqui Hoffman, organized activities and coordinated the entertainment. Public Works Director Brubaker and his crew led by Jeff Smith and Darwin Ward helped with crowd control, coordinated parking, and other needed tasks. The event began with the presentation of the colors by the American Post 211 Honor Guard, ALHS student Parker Van Sisson sang the National Anthem, and Assistant Law Director David Graves sang America the Beautiful. The entertainment was provided by Jam Machine and the Dave Matthews Tribute Band.

Pam Ohradzansky, Director of Community Resource Services, attended the Work Session on July 3rd and provided City Council with the annual report of CRS. Their annual fundraiser was held in April at the Shipyard Event Center in Lorain. It was a sold-out event that raised funds to sustain the program for Avon Lake and Avon residents.

The Ohio Department of Natural Resources will dedicate the Fish Cleaning Station this summer, tentatively on August 1st.

The City and the union have negotiated and signed the bargaining unit contracts. The union negotiations went well, and all parties were able to resolve some minor issues before the current contracts expired. The new contracts will begin July 1st.

COUNCIL PRESIDENT'S REPORT

Council will recess from July 11th through August 20th. The next Collective Committee Meeting will be held on Monday, August 21st at 7:00 p.m.

The next Council Meeting will be held Monday, August 28th at 7:00 p.m.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the meeting of the Human Resources Committee held earlier. The following topics were discussed: 1) the hiring of two Public Works Laborers; and 2) a lateral transfer to the position of Public Works Administrative Assistant.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held on Wednesday, July 26th at 7:00 p.m. in the Council Chamber.

TREE COMMISSION REPORT

The Environmental Affairs Advisory Board invited the Tree Commission to their Speaker Series at the Avon Lake Public Library to be held on Thursday, July 20th, at 7 p.m. The topic will be, "The Importance of Urban Trees" and Robert Brand, Program Manager, Watershed at Cuyahoga County Board of Health will be the speaker.

MOTIONS

Council President O'Donnell moved to add a motion to the agenda to permit Mr. Arnold to abstain from voting on Ordinance No. 23-134.

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

No: None

Motion carried.

Mr. Arnold moved to confirm the Mayor's reappointment of Janice Lapina to the Community Improvement Corporation for a three-year term commencing August 1, 2023. Mrs. Lapina has been a member of the CIC for several years and is very active with the group and has agreed to continue to serve.

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

No: None

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a liquor license change in corporate stock ownership of JEFROB Enterprises, Inc. dba Tailgators Sports Bar indicating the City does not request a hearing. For nearly 20 years, the brothers, Jeff Clark and Rob Clark have owned Tailgators Sports Bar at Beach Park Station. Jeff will retire and has requested his share of the stock to be transferred to Rob. Chief Molnar has reviewed this change in stock ownership and has no issue with the request.

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

No: None

Motion carried.

Mr. Zuber moved to accept the resignation of Brianne Progar as the Administrative Assistant in the Public Works Department effective July 14, 2023.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to authorize the City Engineer to advertise for bids for intersection improvements consisting of construction inspection, project management, construction administration, and quality assurance materials testing for the pedestrian improvements at Lear Road/Creekside Drive and Walker Road/Armour Road. These improvements have been considered for a while and were recommended by the Public Service Committee.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to authorize the City Engineer to advertise for asphalt bids for Resatar Park Walking Path and Westview Elementary Bike Path. The Public Service Committee recommended the bids move forward. This project was included in the asphalt street bid that returned over the projected estimate. It was determined that the paths would be removed from the street program and bid separately.

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

No: None

Motion carried.

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance No. 23-134 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold requested permission to be excused from voting.

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

No: None

Motion carried.

LEGISLATION

Third 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.

Council President O'Donnell moved for passage of Ordinance No. 23-107. 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 of the first year following the general election. The Charter amendments will be on the November 7th ballot.

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

No: None

Motion carried.

Ordinance No. 23-107 adopted.

The Clerk of Council acknowledged that the Fiscal Officer's Certificate was filed in the Clerk's Office on June 12th and presented a copy to Council President O'Donnell.

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.

Council President O'Donnell moved for passage of Ordinance No. 23-109. 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.

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

No: None

Motion carried.

Ordinance No. 23-109 adopted.

Second Readings:

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.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-115. 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.

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

No: None

Motion carried.

Ordinance No. 23-115 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.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-118. 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.

ALRW CUE Rob Munro informed Council that the properties acquired will be for a future expansion of the Water Filtration Plant. During peak season, ALRW processes 40 million gallons per day, and it will be expanded to process up to 50 million gallons per day. The Ohio EPA has a plan that will ensure uninterrupted drinking water during the expansion. ALRW services 250,000 residents in 680 square miles and has bulk agreements with other communities. It is a regional asset, and Avon Lake residents receive the lowest water rates for a charter city in the State.

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

No: None

Motion carried.

Ordinance No. 23-118 adopted.

First Readings:

Ordinance No. 23-80, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE AVON LAKE HIGH SCHOOL BOOSTERS, INC. FOR OWNERSHIP AND USE OF TENTS

AT VARIOUS COMMUNITY EVENTS IN AVON LAKE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-80. This legislation will authorize the Mayor to execute an agreement with the Avon Lake High School Boosters to give the Boosters \$10,000 to share in the ownership of the tents purchased by the Boosters that will be stored by the City and used by other non-profit organizations at various events.

Law Director Ebert stated that the agreement establishes the joint ownership of the tents by the City and the Boosters and sets forth the procedures for their use by non-profit organizations and that the City will be responsible for the installation and removal of these tents.

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

No: None

Motion carried.

Ordinance No. 23-80 adopted.

City Engineer Howard arrived at 7:29 p.m.

Resolution No. 23-126, A RESOLUTION TO ADOPT AND DECLARE THE TAX BUDGET FOR THE YEAR 2024 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-126. This legislation will adopt and declare the tax budget for 2024 and will be submitted to the Lorain County Budget Commission.

Finance Director Widman stated that this document is in the early stages of the 2024 budget, and the initial certificate of estimated resources will be determined by the tax budget.

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

No: None

Motion carried.

Resolution No. 23-126 adopted.

Ordinance No. 23-127, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT YEAR AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2023, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-127. This legislation will appropriate funds as follows:

FUND	FUND ACTIVITY	OTHER	CAPITAL IMPROVEMENT	TOTAL
205	Improvement Fund		\$31,600.00	\$31,600.00
218	American Rescue Plan Act		\$(63,922.59)	\$(63,922.59)
219	Opioid Settlement Fund	\$12,000.00		\$12,000.00
226	Economic Development Fund	\$38,360.00		\$38,360.00
227	Safety Services Committee		\$(653,605.00)	\$(653,605.00)
232	Street Tree Fund	\$9,925.00		\$9,925.00

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

No: None

Motion carried.

Ordinance No. 23-127 adopted.

Ordinance No. 23-128, AN ORDINANCE AUTHORIZING A DONATION TO COMMUNITY RESOURCE SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-128. This legislation will authorize the annual donation of \$25,000 to Community Resource Services (CRS). CRS provides financial assistance and offers training to residents in Avon and Avon Lake.

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

No: None

Motion carried.

Ordinance No. 23-128 adopted.

Ordinance No. 23-129, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MAURICE MCDANIEL 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: Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-129. This legislation will confirm the appointment of Maurice McDaniel as Laborer in the Public Works Department at Step 1 of \$25.95/hour (sic)¹ effective July 17, 2023.

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

No: None

Motion carried.

Ordinance No. 23-129 adopted.

Ordinance No. 23-130, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MATTHEW HARRIS 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: Spaetzel, Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-130. This legislation will confirm the appointment of Matthew Harris as a Laborer in the Public Works Department at the Step 1 rate of \$25.95/hour (sic)² effective July 17, 2023.

¹ Step 1 Hourly rate is \$26.99.

² Step 1 Hourly rate is \$26.99.

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

No: None

Motion carried.

Ordinance No. 23-130 adopted.

Ordinance No. 23-131, AN ORDINANCE EXTENDING THE MORATORIUM ON THE ENFORCEMENT OF CODIFIED ORDINANCE SECTION 1216.06(a) FOR AN ADDITIONAL 90 DAYS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-131. This legislation will extend the moratorium by 90 days and continue the suspension of prosecuting residents who have violated Ordinance No. 1216.06(a) by raising chickens on property less than five acres. On May 9th, Council passed a moratorium of 90 days (Ordinance No. 23-85) to develop a comprehensive ordinance that would permit chickens. Unfortunately, the new ordinance is still in the development stages and additional time is needed.

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

No: None

Motion carried.

Ordinance No. 23-131 adopted.

Ordinance No. 23-132, AN ORDINANCE CONFIRMING THE RECOMMENDATION OF PLANNING COMMISSION FOR A CONDITIONAL USE SITE PLAN FOR A SECOND CELL TOWER AT 32867 PIN OAK PARKWAY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-132. This legislation will confirm the conditional use of a second cell tower at 32867 Pin Oak Parkway as approved by the Planning Commission on July 5th.

Community Development Director Ted Esborn addressed Council and explained that Case No. 09-23 was presented at the Planning Commission meeting in June for a conditional use and site plan. At that time, it was noted that the Building Department would issue permits for the site plan, but Council approval of the conditional use permit was overlooked. The Planning and Zoning Code has extensive regulations for telecommunications facilities, and

the applicant demonstrated the need for a second cell tower last fall. A structural engineer, engaged by the City, reviewed their request and deemed that a second cell tower was warranted. The applicant submitted their site plan this spring.

Mrs. Fenderbosch read the report of Kelly LaRosa, Planning & Zoning Manager (Exhibit A), and noted that updated equipment will be installed on the second cell tower that will improve cell tower service for the U.S. Coast Guard. The U.S. Coast Guard's sensors and transmitters to the cell tower render aid to distressed persons, vessels, and aircraft. The second cell tower required a setback variance at the south property line which was approved by the Zoning Board of Appeals. Due to project delays, the timeline for construction of the second tower was extended on July 11, 2022. After granting the extension per Section 1216.06(j), the applicant assembled a demonstration of need, as required for a newly constructed tower. The City hired a structural engineer to review the documentation provided and determined that there was a need for a new cell tower. Thereafter, Planning Commission unanimously recommended the second cell tower site plan and conditional use.

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

No: None

Motion carried.

Ordinance No. 23-132 adopted.

Ordinance No. 23-133, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION ADMINISTRATION SERVICES AND CONSTRUCTION INSPECTION SERVICES FOR PEDESTRIAN IMPROVEMENTS AT LEAR ROAD/CREEKSIDE DRIVE AND WALKER ROAD/ARMOUR ROAD AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-133. This legislation will authorize the Mayor to execute an agreement for construction administration services and construction inspection services for pedestrian improvements at Lear Road/Creekside Drive and Walker Road/Armour Drive. The City invited proposals from qualified firms, and the City Engineer and Administration recommended the firm of DLZ of Cleveland, Ohio.

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

No: None

Motion carried.

Ordinance No. 23-133 adopted.

Ordinance No. 23-134, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING AND SURVEYING COMPANY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-134. This legislation will authorize Bramhall Engineering and Surveying Company of Avon, Ohio to design the base map and improvement plans for the Walker Road Paving Project Phase 3 and Phase 4 in the amount of \$39,700.

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

No: None

Motion carried.

Ordinance No. 23-134 adopted.

Resolution No. 23-135, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE OR HIS DESIGNEE TO FILE AN APPLICATION FOR THE NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) ENHANCED MOBILITY GRANT FOR SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM FOR THE PURPOSE OF PURCHASING AN EIGHT PASSENGER FORD VAN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 23-135. This legislation will authorize the Mayor or his designee to apply for a grant with NOACA for the purchase of an eight-passenger van that is wheelchair accessible.

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

No: None

Motion carried.

Resolution No. 23-135 adopted.

Ordinance No. 23-136, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MODIFICATION TO THE PERSONAL SERVICES AGREEMENT WITH THE MANNIK & SMITH GROUP, INC. FOR THE LOR-US6-18.52 PEDESTRIAN IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-136. This legislation will authorize the Mayor to execute a modification of the personal services agreement with Mannik & Smith Group, Inc. of Shaker Heights, Ohio for pedestrian safety improvements that include sidewalks and ADA-compliant curb ramps and pedestrian crossings from SR 83 east to Bay Village border. The initial agreement (Ordinance No. 22-174) did not account for all the needed cut-ins as projected and there are approximately 60 more. Therefore, the modification agreement will authorize the additional sum of \$116,425 to complete the work.

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

No: None

Motion carried.

Ordinance No. 23-136 adopted.

Ordinance No. 23-137, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CELENA CRYTZER TO THE POSITION OF PUBLIC WORKS ADMINISTRATIVE ASSISTANT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-137. This legislation will confirm the appointment of Celena Crytzer to the position of Public Works Administrative Assistant at the Step 2 rate of \$24.48/hour effective July 10, 2023. Mrs. Crytzer is currently employed as the Recreation Administrative Assistant. As a collective bargaining unit member, she bid for this position and was selected. After 60 days and a favorable review, she will receive the Step 3 rate of \$25.38/hour.

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

No: None

Motion carried.

Ordinance No. 23-137 adopted.

PUBLIC INPUT

1. Dana Kuhn, 596 Legends Row, Avon Lake, addressed Council regarding water issues she has been experiencing at her residence for the past two years and the lack of communication she has received from the City.

Council requested the following:

- Mrs. Kuhn will provide the Clerk of Council with copies of all email communications she has received from various City personnel.
 - City Engineer Howard will schedule an appointment to visit the property.
 - The Building & Utilities Committee will track this issue.
2. Dan Jenkins, 579 Legends Row, Avon Lake, addressed Council regarding the basement flooding he experienced at his residence.
 3. Bill and Laura Haberstro, 32173 Dakota Run, Avon Lake, addressed Council for the third time regarding the issue of residents placing trash containers and yard waste at the curb several days before collection, and their concern that the Administration is not enforcing the City's code that prohibits this activity.

Mr. Kos responded that the City is complaint-driven, and the addresses of those residents are needed for the Administration to act.

Law Director Ebert confirmed that the only way the City can issue a citation and enforce the code is to have the addresses of the property owners in violation.

Mrs. Haberstro stated that it is not her duty to compile addresses for the City. The areas where she has noticed the problem are Dakota Run, Lear Road, Williamsburg Drive, and Vetannas Circle.

Mayor Zilka agreed and stated that the City could send staff to check on those locations.

Mrs. Fenderbosch stated that the City has employees on the road all the time, and they are available to report these types of issues.

4. Rob Shahmir, 31705 Driftwood Court, Avon Lake, addressed Council on behalf of the Environmental Affairs Advisory Board (EAAB). He and some members of the EAAB have been attending the Community Improvement Corporation (CIC) meetings to grieve their concerns and issues. At the CIC meeting last month, he discovered that the EAAB no longer has a platform to speak. They can only participate during public comment. While he understood the change in the forum, EAAB is mandated to represent residents in the City, and it is unhealthy to eliminate EAAB's dialogue with CIC and Charah. He stated that the EAAB is still attempting to get stakeholder engagement. They have asked questions at the CIC meetings that were not well received. However, those questions are based on the Power Plant, which is now in different phases of cleanup. For example, a raised bike path has been proposed that will go through the coal yard

that will be built upon coal residue. Is the City planning to do random sampling to determine what is in that residue? Part of safeguarding the community is an understanding of what is under that bike path and in the soil. Verdantas was hired but he was unsure if they had been given a task order by the City that was specific to the Power Plant. He asked if Verdantas had started working on the Power Plant issue.

In response, Mayor Zilka stated that the EAAB members can speak at the end of the meeting instead of during the middle of the meeting. The slide shows and questions that were presented were lengthy. The CIC members are professionals, and they have time limitations due to their jobs. They decided to limit questions because they were becoming a major part of the meeting. Verdantas was hired but he, too, was unsure what they were doing specifically. The bike path was unknown to him, and he will ask about it at the next meeting.

Mr. Shahmir stated that the EAAB was given 15 minutes for presentations, and they have not gone over that time limit and have even gone under and are trying to have dialogue. This is censorship. The EAAB has asked for stakeholder consultation and has been denied because they have questions. Mr. Shahmir is not the only one with questions but there are at least 70 or 80 people in Avon Lake that also want to know. He will agree to limit the EAAB's presentation to five minutes if desired.

Mr. Arnold stated that the meeting format has changed, and Mr. Shahmir can ask questions at the end. He assured Mr. Shahmir that no one is attempting to censor him. He is permitted to speak at the end of the meeting like other residents.

Mr. Shahmir stated that the EAAB has an open dialogue with Council and has questions that are presentation-based. Removing the presentation and data component is not a dialogue. As a resident, he can ask questions, but he is speaking as a member of EAAB, and Council has referred the EAAB to the CIC for that purpose.

Mr. Zuber reiterated that no one is being censored. The City is going above and beyond to keep residents informed along with the group that is decommissioning the Power Plant. They are not obligated to accommodate us and answer questions. We should be thankful that they do.

Mrs. David stated that she will follow up with Director Esborn regarding the Verdantas engagement to determine what they have done to date, if they have responded to the questions submitted, and to invite them to a future Council Work Session.

5. Mike Pippin of the American Legion, 31972 Walker Road, Avon Lake addressed Council regarding the drainage problem at the American Legion in the parking lot that they have experienced for the last five years because the sewers back up and do not drain into the drainage ditch by Independence Village. They would like to repave the parking lot, but contractors will not guarantee the work due to the flooding issue.

Law Director Ebert stated that he will discuss a solution with City Engineer Howard.

In response to Council President O'Donnell, City Engineer Howard stated that the fall of the ditch is too shallow on the south end.

Mrs. Fenderbosch moved for adjournment.

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

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