

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
AUGUST 28, 2023**

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on August 28, 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, Mark Spaetzel, and K. C. Zuber; Mayor Zilka; Law Director Ebert; Finance Director Widman; and Clerk of Council Valerie Rosmarin.

Absent: City Engineer Howard

APPOINTMENT OF FIREFIGHTER/PARAMEDIC

Ordinance No. 23-138, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BENJAMIN KOWALL AS FIREFIGHTER/PARAMEDIC IN 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, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-138. This legislation will appoint Benjamin Kowall as Firefighter/Paramedic in the Fire Department at a Step 1 salary of \$2,525.73 payable biweekly effective September 5, 2023.

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

No: None

Motion carried.

Ordinance No. 23-138 adopted.

Law Director Ebert administered the Oath of Office to Benjamin Kowall.

APPROVAL OF MINUTES

The minutes of the Council Meetings on June 12, June 26, June 29, and July 10, 2023, were approved as prepared and published.

MAYOR'S REPORT

The City experienced several rain events that resulted in flooded basements and tree damage by many residents. The Public Works Department responded to many of those situations; however, private property flooding is the responsibility of residents. The City's trash contractor, Kimble Recycling & Waste, will place a large container at the Public Works Garage on Tuesday, August 29th for residents to deposit items damaged due to the flooding. Residents who have experienced flooding are asked to contact the Public Works Department to track locations where flooding has occurred.

The 8th Community Challenge concluded with the City of Avon Lake defeating the City of Avon. This was the fifth victory for Avon Lake. The challenge was sponsored by University Hospitals. Employees from both communities were allowed to exercise and participate in wellness classes at the UH gymnasium on Detroit Road in Avon for 12 weeks. The top recipients in the challenge were: First Place - Nancy Collins and Amy Soltis, who both received a \$100 gift card; Second Place - Anna Soltis; and Third Place - Joann Zangas.

Due to the Homecoming Parade on Saturday, September 23rd, Shred Day was rescheduled to Saturday, October 28th at the Municipal Pool from 9 a.m. until 1 p.m.

The annual Beer Fest on Saturday, August 26th hosted by Avon Lake Booster Club was held at Miller Road Park. It was well organized and the weather was ideal for this outdoor event which led to its success and favorable attendance.

Sen. Nathan Manning issued a Proclamation by the Ohio Senate for the new Fish Cleaning Station at the Miller Road Park that was dedicated on August 1st. The station has been well received by those who fish Lake Erie along with City staff who maintain the Boat Launch facility.

COUNCIL PRESIDENT'S REPORT

In observance of Labor Day, Council will not meet on Monday, September 4th. The rescheduled Collective Committee Meeting will be held on Tuesday, September 5th at 7:00 p.m.

The next regular Council Meeting will be held Monday, September 11th at 7:00 p.m.

FINANCE DIRECTOR'S REPORT

Finance Director Widman informed Council that the countywide 2024 Local Government Entitlement Distribution will decrease over \$600,000 which equates to a \$20,000 decrease for Avon Lake.

Police Chief Molnar submitted quotes to Director Widman for an additional streetlight on Walker Road and traffic lights for an intersection on Walker Road. Since the cost for these items is less than \$20,000, he will issue a purchase order tomorrow.

Mrs. Fenderbosch stated that these lights were discussed at the Collective Committee Meeting on August 21st and explained that the traffic lights are for the intersection of Lear Road and Walker Road, and the street light is at the west end of Walker Road near Aquamarine. Since the lights were not budgeted for 2023, she asked if a supplemental appropriation was needed. Finance Director Widman responded that due to the cost being under \$20,000, no Council action is needed.

Mr. Kos voiced his appreciation to the Engineering Department, Finance Director Widman, Mayor Zilka, and Chief Molnar for addressing the safety concerns of the Aquamarine residents by installing a streetlight in this dark area of the City.

BUILDING AND UTILITIES COMMITTEE REPORT

Mr. Spaetzel stated that the Building and Utilities Committee oversees the City's stormwater, and despite the weather events on August 23rd and 24th, Avon Lake fared better than the surrounding communities. Unfortunately, that fact does not give those residents who experienced water in their basement much solace. Public Works Director Brubaker is compiling all water issues, even retroactively, for tracking purposes to determine if there are clusters in the City that need to be addressed. Residents are encouraged to contact the Public Works Department and report what issues they experienced during these storms and prior storm events.

During those storms, the Public Works Department provided the residents with commendable service. They watched the creeks and retention basins to ensure that everything was flowing well and worked throughout the night to keep the roads clean and free of debris.

The next meeting of the Building and Utilities Committee will be held on Thursday, September 14th at 6:30 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mrs. David reported on the meeting of the Communications, Environmental, and Recreational Programming Committee held earlier, and the following items were discussed:

- 1) RFP (Request for Proposal) for a design-build for the Avon Lake Play Space. During the summer, RFPs were advertised, and two proposals were received. The Ohio Revised Code requires three bidders. Because of this, Council will now consider advertising for bids for a landscape architect, who will use the pre-designed plans to prepare the material specifications for the project's construction.
- 2) Deer Management Program agreement with the U.S.D.A. Wildlife Services and ODNR to continue the deer culling activities to control the deer population in Avon Lake. The City

will consider enhancing the practices of the program by reviewing the ordinances of other cities of similar size to continue with best practices in deer management.

3) Coyote sightings in the City that have been posted on social media. Recently, Lorain County Wildlife Officer Randy White presented with the Environmental Affairs Advisory Board Speaker Series, “Co-Existing with Nature.” His presentation is available to view on the City’s website, and around the one-hour mark, Officer White provides tips for warding off coyotes. Coyotes are a problem in suburban and urban communities in every state except for Hawaii. The Environmental Affairs Advisory Board will draft a Coyote Management Program for Council’s consideration based on sample best practices from other communities of similar size in Ohio.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Tuesday, September 5th at 5:30 p.m. in the Public Works Conference Room.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, September 11th at 6:00 p.m. in the Council Chamber. A special meeting will be planned to review the Gallagher Study, and the meeting date will be announced shortly.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be held on Wednesday, September 20th 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 12th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, September 5th at 6:00 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on August 25th as follows: 1) an area variance to build a carport on the northern side yard at 286 Chestnut Court was denied; and 2) an area variance to permit a residential addition reducing the southernmost side yard setback from 10 feet to 7 feet at 250 Cherry Lane was granted.

The next meeting of the Zoning Board of Appeals will be held on Wednesday, September 27th at 7:00 p.m. in the Council Chamber.

TREE COMMISSION REPORT

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

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

The next meeting of the Environmental Affairs Advisory Board will be held on Wednesday, September 6th at 6:30 p.m. at the Avon Lake Public Library. The next Environmentally Speaking Series is “Birding in Lorain County”, and will be held on Tuesday, September 12th at 7:00 p.m. at the Avon Lake Public Library.

MOTIONS

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance No. 23-139 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold requested permission to be excused from voting.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to confirm the recommendation of the Planning Commission for the Improvement Plan approval for Phase 2 of the Walker Road PUD, Port Side Cluster Subdivision.

Discussion

Mrs. Fenderbosch read the report of Planning and Zoning Manager Kelly LaRosa, and the following are highlights from the report: Phase 2 of the Walker Road PUD, Port Side Cluster, consists of 46 cluster lots that will be separated into two construction phases of 22 and 24 lots each located south of Westview Trail on Bar Harbor and Rock Harbor Streets and approved by the Planning Commission on August 2nd.

The Phase 1 Improvement Plans were approved by the Planning Commission on April 5, 2022 contingent upon the Building and Utilities and Finance Committees approving an agreement on the ditch enclosure on Walker Road. Thereafter, revisions to the Improvement Plans were approved by the Planning Commission on June 20, 2022. The revision included the removal of a painted island and the retention of a stop sign on Liberty Rose Drive where it ends at Port Side Drive with the inclusion of a Memorandum of Understanding that the Homeowners Association will be responsible for the double culvert underneath Port Side Drive.

Mrs. David questioned the statement regarding the removal of the painted turn island and stated that Council voted to include the painted turn island that was in the initial Improvement Plans approved by the Planning Commission on April 5, 2022.

Mrs. Fenderbosch agreed that it should be noted in the Planning and Zoning Manager's report, and she will notify Ms. LaRosa.

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

No: None

Motion carried.

Mr. Kos moved to establish the Solar Eclipse Support Ad Hoc Committee with members David Kos, Zach Arnold, and Billie Jo David.

Discussion

Mr. Kos explained that the City will be the center of the solar eclipse event on April 8, 2024, which will be a once-in-a-lifetime opportunity that promises, if everything goes as planned, to be the biggest event the City has ever had with the most visitors and many activities. Since many pieces to this event need to be reviewed, discussed, and approved, the proposal of establishing an ad hoc committee that would support Council and the Administration by streamlining the committee review process is warranted and in the best interests of the public. The City will be competing with other communities that are also planning activities. The members of the ad hoc committee represent the major committees that will be affected by this event; Mr. Arnold, Chair of the Economic Development; Mrs. David, Chair of the Communications, Environmental and Recreational Programming Chair; and Mr. Kos, Chair of the Public Safety and Health Committee. The monthly meetings will be held on the second Wednesday of each month at 6:00 p.m. up to the event in April and will sunset 30 days after the eclipse.

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

No: None

Motion carried.

LEGISLATION

First Readings:

Ordinance No. 23-139, AN ORDINANCE AMENDING ORDINANCE NO. 23-68 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, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-139. This legislation will amend Ordinance No. 23-68, which authorized a contract with Bramhall Engineering & Surveying Company as the City Engineer, to set their fees in an amount not to exceed \$100,000.

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

No: None

Abstention: Arnold

Motion carried.

Ordinance No. 23-139 adopted.

Ordinance No. 23-140, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CHRISTINE MCCHESENEY TO THE POSITION OF RECREATION 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: Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-140. This legislation will confirm the appointment of Christine McChesney as the Administrative Assistant in the Recreation Department at the Step 1 rate of \$23.23 effective August 29, 2023.

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

No: None

Motion carried.

Ordinance No. 23-140 adopted.

Ordinance No. 23-141, AN ORDINANCE ACCEPTING THE OHIO FIRST RESPONDER RECRUITMENT, RETENTION, AND RESILIENCE PROGRAM GRANT 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, Spaetzel

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-141. This legislation will accept the Ohio First Responder Recruitment, Retention, and Resilience Program grant through the American Rescue Plan Act (ARPA) in the amount of \$132,000 for police retention. This grant is one of two ARPA grants received on behalf of the Police Department. The first grant received was in the amount of \$420,550.90 which will fund the salary and benefits of two Police Officers for two years, and this second grant will give \$4,000 to each Police

Officer who was employed in the years 2021 and 2022. Individuals who have retired before the issuance of this grant are not eligible.

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

No: None

Motion carried.

Ordinance No. 23-141 adopted.

Resolution No. 23-142, A RESOLUTION OF GRATITUDE AND APPRECIATION TO RANDY KNILANS, POSTHUMOUSLY, TO HONOR AND DEDICATE THE LAKE ROAD BIKE LANES IN MEMORY OF RANDY KNILANS, was read in its entirety.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Resolution No. 23-142. This legislation will dedicate the Lake Road bike lanes in memory of Randy Knilans, who tragically lost his life while cycling Lake Road, and extends, posthumously, the City's gratitude and appreciation of Mr. Knilans' service on the Planning Commission for over 26 years.

Mr. Kos announced that a dedication ceremony for the bike lanes will be held on Saturday, September 9th at 11 a.m. at the Veterans Memorial Park. A reception will follow the ceremony at the Old Firehouse and Community Center.

Council President O'Donnell offered his appreciation of Mr. Knilans' leadership and service to the City as a member and chair of the Planning Commission to Mrs. Knilans (who was present). He thanked Mr. Kos, Council, and the Administration for selecting the Mannik and Smith Group, who provided the City with safety recommendations for Lake Road and were instrumental in obtaining grants for the City. The grant award of \$3,099,000 is very substantial and will be used for the installation of curb ramps, pedestrian crosswalks, and sidewalks on both sides of Lake Road.

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

No: None

Motion carried.

Resolution No. 23-142 adopted.

Resolution No. 23-143, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 23-143. This legislation will authorize the Mayor to participate in the OPWC State Capital Improvement and Transportation Improvement Program to obtain financial assistance for capital improvements. The City Engineer has designated the Walker Road Paving Project, Phase 3 and 4, as the capital improvement project for the OPWC funding.

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

No: None

Motion carried.

Resolution No. 23-143 adopted.

Resolution No. 23-144, A RESOLUTION AUTHORIZING THE AVON LAKE MUNICIPAL COURT TO SELL OBSOLETE PRINTER AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-144. This legislation will authorize the Avon Lake Municipal Court to sell a printer no longer in use. Instead of selling an unused printer via an internet auction, an organization locally expressed an interest in purchasing it for a nominal cost.

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

No: None

Motion carried.

Resolution No. 23-144 adopted.

Resolution No. 23-145, A RESOLUTION AUTHORIZING THE USE OF UNNEEDED AND OBSOLETE VEHICLE FOR TRAINING PURPOSES AND SUBSEQUENT SALE OF SUCH VEHICLE FOR SCRAP, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-145. This legislation will authorize the Fire Department to permit an unused vehicle to be used as a training tool for lifesaving and fire suppression purposes. When the training has concluded, the vehicle will be sold as scrap to an entity the Fire Chief deems appropriate.

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

No: None

Motion carried.

Resolution No. 23-145 adopted.

Ordinance No. 23-146, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 68 WEST SHORE ROAD FROM LINDA VOTRUBA AND CHAD WRIGHT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-146. This legislation will authorize the Mayor to execute an agreement to purchase 68 West Shore Road, Avon Lake from Linda Votruba and Chad Wright for \$300,000.

Chief Utility Executive Munro addressed Council to explain that this acquisition is for the future expansion of the Water Filtration Plant, and this agreement (Ordinance No. 23-146) and the subsequent agreement (Ordinance No. 23-147) are adjacent properties.

In response to Council President O'Donnell, CUE Munro stated that 87% of the water produced in Avon Lake is sold to surrounding communities. Since those bulk customers continue to grow, there is a need to expand the facility to ensure that ALRW can meet the capacity and demand. Currently, ALRW is preparing for a two-year improvement project at the facility, and when completed, there will not be any room to expand capacity. The past practice has been to increase capacity every 10 to 12 years, and the last increase occurred 12 years ago.

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

No: None

Motion carried.

Ordinance No. 23-146 adopted.

Ordinance No. 23-147, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 84 MOORE ROAD FROM MICHAEL HESS AND DECLARING AN EMERGENCY, was read by title only.

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

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

Council President O'Donnell moved for passage of Resolution No. 23-147. This legislation will authorize the Mayor to execute an agreement to purchase 84 Moore Road, Avon Lake from Michael Hess for \$300,000.

Yes: Zuber, Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel
No: None
Motion carried.
Resolution No. 23-147 adopted.

PUBLIC INPUT

Patty Knilans, 527 Rockwood Court, Avon Lake, addressed Council and expressed her thanks and appreciation for recognizing and honoring her late husband, Randy.

William Zimmerman, 241 Moorewood Drive, Avon Lake, asked Council about the retention grant for first responders. In response, Mayor Zilka stated that all officers employed in 2021 and 2022 will receive a check, and those who have retired in 2023 are ineligible. Also, Mr. Zimmerman informed Council and Mayor Zilka that he reported hearing fireworks in his neighborhood on July 4th, and no one from the Police Department came to his home to respond to the report.

Vera Wong, 33811 Lake Road, Avon Lake, addressed Council in opposition to the installation of a parking lot in the vacant lot behind her home that is owned by the Avon Lake Animal Clinic and questioned why some of the minutes from a Planning Commission meeting were a summary while other meeting minutes were detailed.

Law Director Ebert stated that there was an issue with staffing of Planning Commission meetings. The detailed minutes, or verbatim minutes, were prepared by a court reporter while the summarized minutes were prepared by staff.

Amy Adams, Smuggler's Cove, 33803 Electric Boulevard, C17, voiced her opposition to having a parking lot installed adjacent to her property and agreed that the detailed minutes and summarized minutes that were distributed to Council last week provide a different context of the statements made at the Planning Commission meetings. The minutes provided a detailed recording of the applicant's statement whereas the comments of the residents were summarized.

Gerald Phillips, 461 Windward Way, Avon Lake, addressed Council as the legal counsel for the Harbor Estates and Smuggler's Cove residents. The documents he distributed to Council last week (referenced by Ms. Adams) also highlighted the criteria Council is required to evaluate pursuant to Planning & Zoning Code Section 1214.03 and reiterated

that the applicant has the burden of proof to submit evidence that they have satisfied all the criteria stipulated in the code.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:19 P.M.

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

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