

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
September 11, 2023**

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on September 11, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

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

A moment of silence was held in memory of 9/11.

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

Mayor Zilka read a proclamation in recognition of First Responders Appreciation Week and acknowledged the presence of members of the Police and Fire Departments.

APPOINTMENT OF FIREFIGHTER/PARAMEDIC

Ordinance No. 23-148, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MICHAEL HEIN 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: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-148. This legislation will appoint Michael Hein as Firefighter/Paramedic in the Fire Department at a Step 3 salary of \$2,953.13 payable biweekly effective September 18, 2023. The Civil Service Commission certified Mr. Hein's appointment to the classified service on September 5th.

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

No: None

Motion carried.

Ordinance No. 23-148 adopted.

Law Director Ebert administered the Oath of Office to Michael Hein.

APPROVAL OF MINUTES

The minutes of the Council Meeting on August 28, 2023, were approved as prepared and published.

CORRESPONDENCE

The following communication was received:

- An email from H. R. Kopf of Kopf Builders requesting Council suspend the rule for three readings for Ordinance No. 23-152.
- An email from Julie Short, Communications Coordinator of the Avon Lake City Schools, announcing the Public Forum of Candidates will be held on Tuesday, September 19th from 7:00 p.m. to 9:00 p.m. at the Avon Lake High School Performing Arts Center.

MAYOR'S REPORT

The City experienced several power outages a couple of weeks ago due to a serious rainstorm, and this past weekend more outages occurred, and weather was not an issue. Mayor Zilka voiced his appreciation to Mr. Spaetzel, Mr. Kos, and Mrs. Fenderbosch who fielded many phone calls and investigated these outages with First Energy.

A celebration of the life of Randy Knilans, resident and Planning Commission member, and the dedication of new bike lanes in his memory was held on Saturday, September 9th. Randy was killed by a drunk driver in 2019 while riding his bicycle past Miller Road Park. For the past four years, the City has undertaken safety improvements to the bike lanes and pedestrian crossings along Lake Road. These efforts began with Mr. Kos, former Public Works Director Joe Reitz, and City staff. Also, the City's consultant, Mannik & Smith Group, helped in the acquisition of over \$3 million in grant funding from the State of Ohio for these improvements.

Avon Lake was deemed the safest city in Ohio according to www.NeighborhoodScout.com. Through the collection of metrics from various areas of safety, including car thefts, burglaries, and various assault charges, Avon Lake was found to be the safest city in Ohio and the 16th safest city in the United States. NeighborhoodScout.com surveys cities that are 25,000 and greater. This organization was unknown to the Mayor and Council, and when the results were learned additional research into the findings led to the discovery that last year, Avon Lake was ranked the third safest city in the United States and the safest city in Ohio. It is a great honor and not surprising due to the efforts and hard work of the Police and Fire Departments.

The annual University Hospitals Community Challenge finished with Avon Lake defeating Avon. In the past eight years, Avon Lake has won this challenge five times. Mayor Zilka displayed the winning plaque that will be hung in the stairwell at City Hall. The top four

prizes were awarded to the following Avon Lake residents: Nancy Collins and Amy Soltes, tied for first place; Anna Soltes, second place; and Julia Zangas, third place.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, September 18th at 7:00 p.m.

The next Council Meeting will be held on Monday, September 25th at 7:00 p.m.

BUILDING AND UTILITIES COMMITTEE REPORT

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.

Regarding Mayor Zilka's comments on the power outages, Mr. Spaetzel stated that the power outages are in the vicinity of Electric Boulevard to Canterbury Road, and Moore Road to Berkshire Drive. These outages have been extensive and recurrent. He and Mr. Kos spoke with David Conley of First Energy and stressed that First Energy needs to determine the root cause to resolve these issues. The best way to find the source is to gather information from the residents regarding their outages. The City's Communications and Technology Department has created a survey that is available on the City's website and Facebook. Residents who have experienced outages must complete the survey even if they have reported the issue to First Energy or Council. Gathering as much information as possible will help First Energy identify the issues, either hardware or otherwise, to determine the cause and, hopefully, mitigate these issues.

Mr. Kos reported that he received many phone calls, emails, texts, and messages posted on social media when the recent outage occurred. Power outages have been occurring in that area of the City for many years. Loss of power is understood when there is a large storm, and residents have dealt with this during those times. However, when power is lost for seemingly no reason, there is frustration among the City and residents. First Energy is contacted first, and their crews come out and restore the power as quickly as possible. Many times, the cause is due to faulty equipment or a transformer break, and First Energy states that the equipment was fixed, and it will not happen again. Then an outage occurs again a few months later. Residents are tired of having to deal with repeated occurrences, and Mr. Kos' home is also affected by some of these outages. The first step is to acquire as much data as possible. After the data is collected, Mr. Spaetzel will work with First Energy to identify what these issues are, to fix them and to prevent these issues from happening again.

Mrs. Fenderbosch stated that due to the power outages in Ward 3 and 4, Ward 2 experienced an echo wave. The power outage in Ward 2 was not as long, maybe a couple of minutes. Even if the equipment is switching and a resident is experiencing flickering lights or dimming lights, also called brownouts, temporarily, it should be reported to determine the range or the geographical location. Ward 2 dealt with outages a couple of years ago, and gathering data for the First Energy systems engineers allowed them to resolve the issues.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held on Monday, September 25th at 6:00 p.m. in the Council Chamber.

FINANCE COMMITTEE REPORT

Council President O'Donnell reported on the Finance Committee meeting held on September 5th. The following topics were discussed: 1) revenue updates and the August financials were reviewed; 2) funding for the purchase of equipment in the Public Works Department was approved; 3) accounts 400 to 446 were reviewed, and it was determined that the funds in accounts that are no longer necessary will be transferred to capital funds to cover other expenditures; 4) the auditor's report was discussed; and 5) Rock the House contract for the solar eclipse event was reviewed and forwarded to the Law Director.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Tuesday, October 10th at 6:00 p.m. in the Council Chamber, and a special meeting to review the Gallagher Study will be held on Wednesday, October 11th at 6:00 p.m. in the Council Chamber.

Mr. Kos stated that the Human Resources Committee special meeting in October is the same date as the Solar Eclipse Support Ad Hoc Committee meeting. A rescheduled date will be discussed with committee members and announced at a future Council Meeting.

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.

Mr. Kos reported on the dedication ceremony for Randy Knilans held September 9th as mentioned earlier by Mayor Zilka. The safety improvements to Lake Road, which originated from this committee, culminated with dedicating the bike lanes in memory of Randy. Mr. Kos stated that many employees and residents were involved in organizing the ceremony. He thanked Public Works Director Brubaker, Leadman Jeff Smith, and other Public Works Department employees who assisted with the ceremony; Communications & Technology Director Cagley and her team, namely, Stephanie Biggers and Jen Miller; residents Bobbe Rudge and Cheryl Lister, who assembled the programs and arranged the speakers and the reception. It was a first-class event and a fitting tribute to Randy. The weather was perfect, and the location was ideal. Randy was a competitive sailor, and the lakefront was his true love and was an appropriate backdrop for the ceremony. The reception was held at the Old Firehouse, and its renovation was one of Randy's projects as an architect, and the gazebo in Veterans Memorial Park was his last City project. The Knilans family appreciated the City's resolution of gratitude for Randy's service and dedicating the bike lanes and safety improvements in his memory.

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

Mrs. Fenderbosch stated that last week at the Collective Committee Meeting, she reported that the Planning Commission recommended that Council approve the final plat for the Port Side subdivision subject to the developer's payment of the fees for sidewalks and paving. After that report, she was informed that all fees had been paid and no other conditions existed.

The next meeting of the Planning Commission will be held on Tuesday, October 3rd 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, September 27th at 7:00 p.m. in the Council Chamber.

PARKS AND RECREATION COMMISSION

The next meeting of the Parks and Recreation Commission will be held on Wednesday, September 27th at 5:30 p.m. at the Lake House.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE

The first meeting of the Solar Eclipse Support Ad Hoc Committee will be held on Wednesday, September 13th at 6:00 p.m. in the Council Chamber.

AVON LAKE HISTORICAL PRESERVATION COMMISSION

Mr. Kos reported that he has found a candidate to fill the vacancy on the Avon Lake Historical Preservation Commission and will provide more details at the Collective Committee Meeting on September 18th.

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.

Mrs. Fenderbosch recited tree facts and stated that the number of leaves on a mature tree varies depending on its size, species, age, and crown shape ranging from 20,000 to 500,000. Leaves return about 70% of their nutrients to the soil and the recommendation is

to mulch leaves with a mower to return nutrients to your lawn and capture this free fertilizer.

LEGISLATION

First Readings:

Ordinance No. 23-149, AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE RELATED TO THE DEER MANAGEMENT PLAN AND DECLARING AN EMERGENCY, was read by title only.

Mrs. David explained that this legislation will authorize a Cooperative Service Agreement between Avon Lake and the U.S. Department of Agriculture associated with the Deer Management Plan. The City has had a Deer Management Plan since 2014, and its purpose is to prevent negative impacts on public health and safety due to an excessive number of deer-related vehicle accidents and the destruction of natural habitats and biodiversity. The deer population introduces the risks of disease transmission to humans from deer parasites and damage to private and public property. When the program started in 2014, the number of deer/motor vehicle accidents was 25 per year. At the end of 2022, that number was reduced to 10. Currently, the number is 4 for 2023. Deer carcass pickups in 2014 were 105. At the end of 2022, the number was reduced to 10. At this point in 2023, the City has seen an increase of 15 deer carcass pickups. For the 2023/2024 Deer Management Plan, the City is permitted to collect a total of 80 tags at a cost of \$41,342. The total tags collected previously have been 2020, 40 tags; 2021, 40 tags; 2022, 52 tags; and 2023, 28 tags. Every three years a helicopter survey is conducted to understand the population of deer and where they are located. Also, the data on deer/motor vehicle accidents and carcass pickups is collected annually to determine the effectiveness of the program. The recommendation is to continue this program to ensure that the City has a healthy deer population that decreases the risks to the health and safety of the City's residents.

Mayor Zilka stated that the public has become aware of deer in the area, and they are more cautious driving through neighborhoods where the deer are usually seen. Residents have become educated and that has helped reduce accidents as well.

Ordinance No. 23-150, AN ORDINANCE AUTHORIZING THE PURCHASE OF A MINI EXCAVATOR WITH ATTACHMENTS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-150. This legislation will authorize the Public Works Director to purchase Caterpillar Model No. 304 07, a mini excavator with attachments from Ohio CAT of Broadview Heights, Ohio in the amount of \$80,610 through Sourcewell, a public service cooperative created by the State of Minnesota.

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

No: None

Motion carried.

Ordinance No. 23-150 adopted.

Ordinance No. 23-151, AN ORDINANCE AUTHORIZING THE PURCHASE OF A COMPACT TRACK LOADER WITH ATTACHMENTS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-151. This legislation will authorize the Public Works Director to purchase a John Deere 32G compact track loader with attachments from Polen Implement, Inc. of Elyria, Ohio in the amount of \$84,845.77 through Sourcewell, a public service cooperative created by the State of Minnesota.

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

No: None

Motion carried.

Ordinance No. 23-151 adopted.

Ordinance No. 23-152, AN ORDINANCE APPROVING THE FINAL PLAT FOR PORT SIDE SUBDIVISION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-152. This legislation will approve the Final Plat for Port Side Subdivision as recommended by the Planning Commission on September 5th. Port Side Subdivision consists of 31 single-family lots and 18 townhomes on 22.4105 acres located south of Walker Road between Lear Road to the west and South Port Drive to the east in an R-1 Single-Family Residence District.

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

No: None

Motion carried.

Ordinance No. 23-152 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos announced that tickets will be available for the 10th annual Boo by the Woods and Trail of Haunted Tales on Wednesday, September 13th at 9:00 a.m. Last year, this event was expanded into the library with the Basement of Terror and the Haunted Gallery. There are 1,200 tickets available for the Saturday evening event, the Trail of Haunted Tales, which includes the Basement of Terror; 500 tickets for the “not so spooky” trail on Saturday during the daytime; and 500 tickets for the Friday evening indoor event, Basement of Terror and the Haunted Gallery.

Mrs. Fenderbosch stated that she and other Council members received communication from the Cleveland Clinic regarding vacancies in the following positions: Community Health in the field of infant and maternal health. Contact Marilyn Rodriguez, Director at 216-317-2899 for more information.

PUBLIC INPUT

- Rob Shahmir, 31705 Driftwood Court, Avon Lake, as a resident and a member of the Environmental Affairs Advisory Board (EAAB), informed Council that Attorney Todd Davis announced at the Community Improvement Corporation meeting on September 7th that the City has engaged Verdantas regarding the Power Plant project. However, the EAAB was informed that Verdantas has not been engaged to date. If Verdantas has been engaged, then the EAAB strongly urges Verdantas be given reports submitted by ALERG on the Power Plant's progress from July, August, and September, and the EAAB would like to know their assessment of those reports. Charah has presented a cross-section of information, and the data does make geologic sense. The EAAB would like to understand the feedback from Verdantas, the City's consulting firm, by their next meeting (October 4th). September is childhood cancer month, and the City must safeguard the community. There are contaminants of concern at the Power Plant, such as PCBs that are known to cause cancer.
- Laura Haberstro, 32173 Dakota Run, Avon Lake, addressed Council with her husband, Bill, at her side. She reminded Council that they have been attending Council meetings since May with the hope that the City would resolve their concerns about neighbors placing trash containers and yard waste bags days before collection. However, to date, the problem still exists. They were informed that residents who were in violation would receive notification and requested a copy of the letter sent to those individuals.

Mayor Zilka responded that he spoke with employee, Austin Page, in May about their concerns. Mr. Page is looking into the issue but has been focused on multiple problems in

that area, and those problems, despite the City's efforts, have been ongoing for years. He and Mr. Page have scheduled a meeting with two families in the area.

Mrs. Haberstro stated that there are residents placing trash cans on crosswalks that children use when walking to school. A year ago, she was informed that it is illegal to place an obstruction on sidewalks prohibiting children from crossing, and the trash cans are still placed in the crosswalk. She does not understand why the City does not enforce these violations.

Council President O'Donnell encouraged Mrs. Haberstro's patience until the Mayor and Mr. Page meet with residents he referenced and the meeting's outcome. Many issues within the City are driven on a complaint basis and addresses of those in violation would assist the City. Mr. Page oversees these types of problems.

Mrs. Haberstro explained that she alerted Mr. Page about the crosswalk violation a year ago and no action has been taken to stop this activity. In response to Council President O'Donnell, Mrs. Haberstro stated that she would provide him with the address where this issue is occurring.

- William Zimmerman, 241 Moorewood Drive, Avon Lake, asked the Clerk of Council if she had the documents he requested 30 minutes before this meeting. Clerk Rosmarin responded that she was unable to gather the documents because she was preparing for the meeting and would provide them later.

Mr. Zimmerman asked where the information about Avon Lake being the safest city in the State could be found. Council President O'Donnell requested a response from Mr. Kos, who searched his file.

In response to Mr. Zimmerman, Council President O'Donnell stated that he was unaware of what type of crimes were factored into the safest city designation and Mr. Kos will provide the information.

While Mr. Kos was looking for the information in his file, Mr. Zimmerman asked why the speed limit is 25 mph on Lake Road between Miller Road and Moore Road and why there are so many signs posted. Mr. Kos responded that it is a business district, and the speed limit is 25 mph in that area. He was unaware of an increase in signs, but Lake Road was repaved and perhaps signs were added. He did not know how many signs existed before the road was repaved or how many were added, if any.

Mr. Zimmerman commented that the Ohio Revised Code states that a state route cannot be lower than 35 mph.

Council President O'Donnell stated that Mr. Kos will have a Public Safety and Health Committee meeting this month that will be attended by the Police Chief and the speed limit signs could be discussed during that meeting.

Mr. Zimmerman informed Council that he lives at the corner of Redwood Boulevard near Redwood Elementary. From that location to Walker Road, there aren't any speed limit signs and residents have asked several times for an increased police presence in that area to reduce speeding. It is a school zone, but no one cares.

Council President O'Donnell responded that Mr. Zimmerman's statement that no one cares is unfair. The City has conducted traffic studies. His concerns can be discussed with Mr. Kos' committee.

Mr. Kos responded that speeding is an issue everywhere in the City and to state that the City ignores speeding near Redwood Elementary is false.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(3), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss pending litigation.

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

Adjournment: 7:57 P.M.

RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 8:15 P.M.

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

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

Mrs. Fenderbosch moved for adjournment.

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

Adjournment: 8:17 P.M.

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

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