

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
September 25, 2023**

The regular scheduled meeting of the Avon Lake Municipal Council was called to order on September 25, 2023, at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Mrs. David 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

APPROVAL OF MINUTES

The minutes of the Council Meeting on September 11, 2023, were approved as prepared and published.

CORRESPONDENCE

An email was received by Mrs. Fenderbosch from Father Daniel Fickes, who distributed a copy of the letter to Council before this meeting and will speak during public input.

MAYOR'S REPORT

Mayor Zilka and Finance Director Widman met with Mike Sharb of Squire Patton Boggs and Michael Sudsina of Sudsina & Associates to discuss Moody's Investors Service and the City's potential bond rating for the purchase of the fire ladder truck. The City will learn its bond rating shortly.

On September 16th, the City hosted "Big Trucks" at the Safety Center. Many vehicles used by the Fire Department, Police Department, Public Works Department, and Avon Lake Regional Water were displayed for viewing by the community. City staff and volunteers worked together to make the event successful.

On September 23rd, elected officials, school and community groups, and former high school students participated in the Homecoming parade. The community lined the parade route and children collected the candy thrown from parade floats. The weather was ideal and pleasant for participants walking.

The first budget meeting will be held on Saturday, September 30th at 8:15 a.m. in the Council Chamber. Chiefs Molnar and Betsa will submit their recommendations, and

Council, Mayor Zilka, and Finance Director Widman will discuss those budget proposals after the meeting. The second meeting will be held on Saturday, October 14th at 8 a.m. with submissions from Directors Fach, Brubaker, Cagley, and Esborn. The last meeting will be held on Saturday, November 11th at 8:00 a.m. and will feature engineering projects recommended by City Engineer Howard. Council will not enact the 2024 budget in December as in prior years. The new Council will initiate a temporary budget in January with the intent to have a budget in place by March 31st.

Council will have a work session with Steven Gross of Verdantas, the City's environmental consultant; Attorney Todd Davis; and Jordan Berns and Majeed Makhoul of Berns, Ockner & Greenberger to obtain clarification on everyone's role regarding the redevelopment of the Power Plant.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, October 2nd at 7:00 p.m.

In observance of Columbus Day, Council will not meet on Monday, October 9th. The rescheduled Council Meeting will be held on Tuesday, October 10th at 7:00 p.m.

BUILDING AND UTILITIES COMMITTEE REPORT

Mr. Spaetzel reported on the meeting of the Building and Utilities Committee held September 14th. The following items were discussed: power outages in Wards 3 and 4; outfalls; stormwater; and the budget for 2024.

The next meeting of the Building and Utilities Committee will be held on Thursday, October 12th at 6:30 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mrs. David reported that the scheduled meeting to be held before this meeting was canceled due to a lack of agenda items.

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held on Monday, October 23rd at 6:00 p.m. One of the items to be discussed will be the voiceover IP telephone systems in preparation for the 2024 budget.

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 of the Human Resources Committee will be held on Wednesday, October 11th at 6:00 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the meeting of the Public Safety and Health Committee on September 20th. The following items were discussed:

- 1) agreement between the Lorain County Health Department and the City and Fire Department for the Narcan, Leave a Kit Program.
- 2) purchase of ballistic equipment for the Fire Department for \$17,990. Due to the cost, this purchase only requires a vote by the Committee.
- 3) gate access by Safety Forces in the City's gated communities and businesses with security gates. All codes must be universal for these gates that would be accessed during an emergency.
- 4) school bus safety. Resident and school bus seat belt advocate, Rudy Breglia, informed the Committee where the school bus seat belt issue lies at the state and federal level. Gov. DeWine has formed a group that is researching the matter, and they will bring their findings to the Governor by the end of the year. Ultimately, their recommendations will be forwarded to the State legislature.

Mrs. Fenderbosch stated that seven of the eight gated communities are in Ward 2 and announced that the HOAs will be included in the gate access discussion. At this point, no decisions have been made.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Tuesday, October 10th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

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.

TREE COMMISSION REPORT

The next meeting of the Tree Commission will be held on Wednesday, October 11th at 7:00 p.m. at the Old Firehouse and Community Center.

AUDIENCE PARTICIPATION

Linda Slattum, 245 Cherry Lane, Avon Lake addressed Council in opposition to Ordinance No. 23-149. Mrs. Slattum stated that she was bothered that eight fawns were shot last year and referenced culling at the Kopf Family Reservation. Since the City has attained the goal of the Deer Management Plan for the last six years, she urged Council to dispense with it. Should the numbers increase, the City could restart the program.

MOTION

Mr. Kos moved to appoint Bobbe Rudge to the Avon Lake Historical Preservation Commission for a term expiring December 31, 2023. Ms. Rudge previously served on the Commission and has agreed to return to fill the current vacancy.

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

No: None

Motion carried.

LEGISLATION

Second Reading:

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 moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Mrs. David moved for passage of Ordinance No. 23-149. This legislation is a continuation of the 10-year comprehensive Deer Management Plan passed in 2016. In addition to private permits, the plan includes a Cooperative Service Agreement with the U.S. Department of Agriculture. This year up to 80 tags will be issued and only payable upon the number of deer culled. To measure the efficiency of the program, the City tracks deer/auto accidents, carcass pickups, and conducts a community survey. From 2021, there was a 20% decrease in the number of deer/auto accidents and a 64% decrease in deer carcass pickups. The continuation of the program allows the City to meet its goals and increase public health and safety. As of August 31st, there have been 15 carcass pickups, which is a 5% increase since last year at this time.

In response to the earlier comments about fawns being culled, Mrs. Fenderbosch stated that the U.S. Department of Agriculture does not cull deer that have spots. A deer can

procreate at six months, and that is the reason why they are culled. No fawns are being culled, only reproductive deer.

Mrs. David stated that the culling operations occur on City-owned property and do not occur within the Kopf Family Reservation, which is owned by the Lorain County Metroparks.

Mr. Zuber requested the Environmental Affairs Advisory Board review the program since the City is in year 8 of the 10-year program.

In response to Mr. Kos, Mrs. David stated that aerial surveys are conducted every three years, and the last survey was this past season. It is a helicopter flyover that uses infrared technology.

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

No: None

Motion carried.

Ordinance No. 23-149 adopted.

First Readings:

Resolution No. 23-153, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE AVON LAKE CITY SCHOOL DISTRICT CONCERNING THE DEVELOPMENT OF NEW SCHOOLS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-153. This legislation will authorize the Mayor to enter into a Memorandum of Agreement (MOA) with the Avon Lake City School District to purchase Redwood Elementary and its site of approximately 16 acres for \$500,000 if the school bond issue passes in November and the district completes the construction of new elementary schools. If the City acquires the property, then the agreement states that Redwood Elementary will be used as a senior center and the City will relocate the Recreation Department there.

Law Director Ebert confirmed negotiations with Superintendent Magyar on the MOA, which states that Redwood Elementary would be used as a senior center and house the City's recreational offices for at least 10 years and is contingent upon the passing of the levy.

Mayor Zilka stated that the City did consider expanding City Hall to accommodate the growth of recreation services and other City services, but it was too costly. If the

Recreation Department relocated to Redwood Elementary, office space would become available and prevent the need to expand. Redwood Elementary offers a nice parcel of land that includes the eagle's nest of which the City will be respectful. It provides the City with larger space for seniors with an elementary-size gym and stage, a full cafeteria, kitchen, library, and many classrooms. The City will use money from the recreation trust fund that residents pay when they purchase a house in Avon Lake.

Mrs. Fenderbosch stated if the bond passes in November, the property will transfer to the City in December of 2026 or six months after the new elementary schools open, whichever is later.

Mr. Kos stated that if residents support the bond issue, this agreement is great news for the City and the residents who live in the Redwood area. It is an opportunity for the City to have a recreational facility and for the area not to be developed as future housing. The Recreation Department is running out of space, and the population has increased to over 25,000 and the City is still operating with the same facilities as when there were 10,000 residents. Instead of building new, this is the best way to approach that growth and keep the building as a community center. The school has been the centerpiece of that area since 1960 and it would continue as a senior center and recreation center.

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

No: None

Motion carried.

Resolution No. 23-153 adopted.

Ordinance No. 23-154, 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-154. This legislation will permit the Finance Director to transfer funds totaling \$1,654,167.00 for October, November, and December 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: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Motion carried.

Ordinance No. 23-154 adopted.

Ordinance No. 23-155, AN ORDINANCE APPROVING TRANSFERS OF FUNDS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-155. This legislation will permit the Finance Director to transfer funds, as follows:

Fund	From/To	Projects	Amount
400	From	Capital Projects	\$ (15,044.82)
401	From	Avon Lake Boat Club	\$ (50,000.00)
410	From	Sewer Separation	\$ (994,989.04)
421	From	45's Sewer Separation	\$ (408,645.75)
426	From	Troy School Driveway	\$ (15,000.00)
443	From	North Point Erosion Control	\$ (3,771.50)
446	From	ALPS Playground	\$ (250,000.00)
207	To	Income Tax Capital Improvement	\$ 1,465,348.28
218	To	American Rescue Plan Act	\$ 250,000.00
442	To	Curtis Road Sewer	\$ 21,522.72
445	To	Pool Renovation	\$ 580.11

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

No: None

Motion carried.

Ordinance No. 23-155 adopted.

Ordinance No. 23-156, AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE AVON LAKE GREATER YEARS CORPORATION GRANT FOR THE PURCHASE OF AN 8-PASSENGER VAN WITH A WHEELCHAIR LIFT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-156. This legislation will authorize the Mayor to accept a grant from the Avon Lake Greater Years Corporation that will be used to purchase an 8-passenger van. Last June, the Public Works Director applied for funding with NOACA to purchase an 8-passenger and was unsuccessful because the City does not track the demographics of the individuals using the van. The Public Works Director continued to seek funding and applied for a grant through the Avon Lake Greater Years Corporation and was awarded \$85,000.

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

No: None

Motion carried.

Ordinance No. 23-156 adopted.

Resolution No. 23-157, A RESOLUTION RATIFYING THE MAYOR'S SUBMISSION OF EXHIBIT E FOR THE LORAIN COUNTY SOLID WASTE AND RECYCLABLES COLLECTIONS CONSORTIUM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 23-157. This legislation will ratify the Mayor's submission of Exhibit E for the Lorain County Solid Waste and Recyclable Collections consortium. Exhibit E lists the collection containers needs of the City for the next trash contract and identifies their locations and the special event times when roll-off containers are needed.

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

No: None

Motion carried.

Resolution No. 23-157 adopted.

Ordinance No. 23-158, AN ORDINANCE AWARDING A CONTRACT FOR THE 2023 ASPHALT WALKING AND BIKE PATH PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-158. This legislation will award a contract for the 2023 Asphalt Walking and Bike Path Program to Geauga Highway Co. of Hiram, Ohio in the amount of \$76,968.20.

Mr. Kos stated that he would like other bike paths to be evaluated and considered in the future, like the Waterside Crossing South walking and bike path. In response to Mr. Zuber, Mr. Kos stated that the City is responsible for the care and upkeep of the walking and bike path in Waterside Crossing South.

Yes: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, Arnold
No: None
Motion carried.
Ordinance No. 23-158 adopted.

Resolution No. 23-159, A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE LORAIN COUNTY SOLID WASTE MANAGEMENT DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will adopt the Solid Waste Management Plan for the Lorain County Solid Waste Management District. The City is required to review and vote on the district's plan. Every district submits a plan to the municipalities and townships within their county. When 60% of the communities have responded positively and the community with the largest population, for Lorain County the City of Lorain is the largest, then the plan is submitted to the County Commissioners and ratified by the State.

Ordinance No. 23-160, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT BETWEEN THE CITY OF AVON LAKE AND LORAIN COUNTY PUBLIC HEALTH FOR THE DISTRIBUTION OF NARCAN KITS AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Kos moved for passage of Ordinance No. 23-160. This legislation will authorize the Mayor to enter into a participation agreement with Lorain County Public Health for the distribution of Narcan kits. The City will be supplied Narcan kits for the Fire Department's use at no cost to the City. The kits will save lives by allowing lifesaving procedures during an emergency. An education component is in the agreement that provides overdose training, collects data, and facilitates treatment/recovery services.

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

No: None

Motion carried.

Ordinance No. 23-160 adopted.

Ordinance No. 23-161, AN ORDINANCE APPROVING A LOT SPLIT AND VACATION FOR PORTIONS OF ALAMEDA AVENUE , NORTH DRIVE, AND ELECTRIC BOULEVARD AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-161. This legislation will approve a lot split and vacation for portions of Alameda Avenue, North Drive, and Electric Boulevard in connection with the sale of a portion of 180 Shields Avenue to Lake Veterinary Properties LLC (Ordinance No. 23-72).

Law Director Ebert stated that the sale of this property was negotiated by Avon Lake Regional Water and the lot split, and vacation were approved by the Planning Commission on November 1, 2022.

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

No: None

Motion carried.

Ordinance No. 23-161 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos announced that tickets for the 10th annual Boo by the Woods and Trail of Haunted Tales have sold out, but tickets are available for the Friday event, Basement of Terror and the Haunted Gallery. Volunteers are needed, and those interested can go to the City's website to sign up.

PUBLIC INPUT

The following individuals addressed Council:

- Mike Pascoe of Hahn, Loeser & Parks, 200 Public Square, Suite 2800, Cleveland, Ohio, as attorney for Chris and Heather Brown of 31922 Lake Road, Avon Lake, regarding the poor condition of an outfall at 31922 Lake Road. Pictures of the outfall were distributed. At the conclusion of Mr. Pascoe's comments, Council President O'Donnell requested Mr. Pascoe presence after the meeting to discuss this issue further with Law Director Ebert and Mr. Spaetzel.

- Father Fickes of Holy Spirit Church, 410 Lear Road, Avon Lake, regarding the threat of nuclear war. He requested Council's endorsement that would be forwarded to President Biden calling for an observer delegation to be sent to the Second Meeting of States Parties of the Treaty on the Prohibition of Nuclear Weapons in November.

The following individuals addressed Council in opposition of the proposed parking lot that the Avon Lake Animal Clinic would like to construct on its property adjacent to residential homes that requires Council's approval:

- Vera Wong, 33811 Lake Road, Avon Lake.
- Amy Adams, 33803 Electric Boulevard, Unit C-17, Avon Lake.

Mrs. Fenderbosch moved for adjournment.

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

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