

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
October 10, 2023**

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

Mrs. Fenderbosch led the Council, staff, and public in the Pledge of Allegiance.

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

Absent: Mr. Arnold and Law Director Ebert.

APPROVAL OF MINUTES

The minutes of the Council Meeting on September 25, 2023, were approved as prepared and published.

CORRESPONDENCE

- A note of thanks was received from Patty Knilans for the City dedicating the bike lane on Lake Road in memory of her late husband, Randy Knilans.
- A resident emailed Mayor Zilka in support of the Deer Management Program.
- Mrs. Fenderbosch acknowledged that she received letters from residents, Carolyn Christy and Joe Christy, and resident, Vera O'Brien Wong, regarding the parking lot and Planning Commission. She advised the residents that she is not permitted to respond to any opponents or an applicant regarding a Planning Commission case when it is an agenda item for a vote. Also, she received an email from Father Dan asking if City Council would entertain his request to forward a resolution opposing nuclear weapons to President Biden.

MAYOR'S REPORT

Mayor Zilka toured the Avon Lake Public Library basement that was transformed into a haunted house in preparation for Boo by the Woods and the Basement of Terror. Additional comments on the event will be given later in the meeting by Mr. Kos.

The Souper Bowl Food Drive will be held on Friday, October 20th. This food drive is an annual competition between the cities of Avon and Avon Lake that culminates at their football game, the Souper Bowl. This year the game will be held in Avon. Residents can

donate cash online, or cash or canned goods in person. The food drive fills the pantry of CRS (Community Resource Services) which serves residents in need in Avon and Avon Lake.

Empty Bowls by the Lake will be held on Saturday, October 21st at the Commons in Avon Lake High School from 11 a.m. until 2 p.m. For the cost of \$25/person, one will select a handmade bowl to keep and sample up to 24 different soups from local restaurants.

Mrs. Fenderbosch added that she attended Hooks for Hunger, which is another fundraiser event for CRS. She noted that CRS distributes 10,000 pounds of food per month and currently, their food pantry is very low. Items in need of replenishment are peanut butter and jelly; canned vegetables; Velveeta cheese; or anything canned or preserved.

COUNCIL PRESIDENT'S REPORT

The next Collective Committee Meeting will be held on Monday, October 16th at 7:00 p.m. followed by a special Council Meeting.

The next Council Meeting will be held on Monday, October 23rd at 7:00 p.m.

The Budget Meeting will be held on Saturday, October 14th at 8:15 a.m. in the Council Chamber.

CITY ENGINEER'S REPORT

City Engineer Howard reported that ODOT has requested a completion schedule of the remaining items in the Lake Road Paving Project from the contractor. He stressed to ODOT that the double solid striping and the striping at the intersection of Miller Road and Lake Road must be completed as soon as possible.

A pre-construction meeting was held today with Geauga Highway Co. for the 2023 Asphalt Walking and Bike Path Program. The contractor is tentatively scheduled to mill Resatar walking path and Westview Elementary School bike path on Friday, October 13th and pave the following week.

FINANCE DIRECTOR'S REPORT

Finance Director Widman reported that the ladder truck bonds were priced. It was a competitive sale of 11 bidders at the interest rate of 3.71%. The sale will close in a couple of weeks.

Regarding Resolution No. 23-162, a slight decrease of \$56,000 from last year's revenues is anticipated according to the rates issued by the Budget Commission.

BUILDING AND UTILITIES COMMITTEE REPORT

Mr. Spaetzel reported that the meeting of the Building and Utilities Committee scheduled for Thursday, October 12th was canceled. The survey on power outages closed with 187 respondents. After the information has been compiled, it will be sent to First Energy's liaison and be available to the public. First Energy surveyed the entire area of Lake Road to Canterbury Road, and Moore Road to Berkshire Road. Most of the issues they identified were related to circuits, and limbs on wires were removed in four locations. Mrs. Fenderbosch noticed a large tree that was in danger of falling on power lines on the property behind Belmar Road, and First Energy was contacted and removed the tree.

Mrs. Fenderbosch explained that the tree removed was a high-hazard tree and not dead. When the urban forester at First Energy evaluated the tree, the City was informed that it must be removed, and they removed it. Having an urban forester on the City's team is essential.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the Human Resources Committee meeting held earlier. The one topic discussed was the hiring of a full-time HR Director. The Committee directed the HR Director, who will retire, to begin advertising for that position. The Committee vote was 2-1. However, every Council member at the meeting supported the hiring of a full-time HR Director. Currently, the position is part-time. The Committee had a difference in opinions as to the timing of the advertising and how quickly the person would be hired.

The next meeting will be a special meeting of the Human Resources Committee held on Wednesday, October 11th at 6:00 p.m. in the Council Chamber. The Gallagher study will be presented, and the Committee will move forward on Gallagher's recommendations at another meeting on Tuesday, October 24th at 6:00 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be on Wednesday, October 18th. That meeting will begin at 6:00 p.m. or immediately after the conclusion of the Solar Eclipse Support Ad Hoc Committee meeting that will be held before this meeting.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported on the results of the Public Service Committee meeting held earlier as follows: 1) authorized the Mayor to apply for an Ohio EPA 2024 Recycling and Litter prevention grant for up to \$200,000 with a 25% or a \$50,000 match for a new chipper and F350 with plow package and chipper box; and 2) expenditures for LED lighting that will be purchased this year due to the NOPEC grant that must be used before the end of November 2023.

The next meeting of the Public Service Committee will be held on Thursday, November 16th at 6:00 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, November 14th at 7:00 p.m. in the Council Chamber.

Mr. Zuber requested the Clerk of Council research the number of times Council has not confirmed a Planning Commission recommendation for the past 20 years before next week's meeting.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held on Wednesday, October 25th at 7:00 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch presented the Arbor Day Foundation Tree City USA award to Mayor Zilka. Avon Lake has earned this distinction for the past 30 years. The Arbor Day Foundation acknowledged and thanked Council, the Administration, and the staff for supporting the urban forest in Avon Lake.

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.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE REPORT

The next meeting of the Solar Eclipse Support Ad Hoc Committee will be held on Wednesday, October 18th at 5:30 p.m. in the Council Chamber.

AUDIENCE PARTICIPATION

Gerald Phillips, 461 Windward Way, Avon Lake, asked Council for the location of the lot split and the vacation referenced in Ordinance Nos. 23-164 and 23-165. In response, Community Development Director Esborn stated that the lot split parcel and the paper street vacation is east of Miller Road.

LEGISLATION

Second Reading:

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, as well as 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.

First Readings:

Resolution No. 23-162, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

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

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

No: None

Absent: Arnold

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-162. This legislation will accept the tax rates for 2024 as determined by the Lorain County Budget Commission based on the estimate provided by the County Auditor.

Finance Director Widman stated that there is a slight decrease of \$60,000 from last year's valuations.

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

No: None

Absent: Arnold

Motion carried.

Resolution No. 23-162 adopted.

Ordinance No. 23-163, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO SELL PERMANENT PARCEL NO. 04-00-017-102-212 ON PIN OAK PARKWAY TO BEY PROPERTIES, LLC AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Arnold

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-163. This legislation will authorize the Mayor to execute a purchase agreement to sell a vacant parcel on Pin

Oak Parkway to BEY Properties, LLC.

Director Esborn informed Council that BEY Properties, LLC purchased the back acreage of the Aherns property and needed access to the City's one-acre parcel to facilitate the multiple businesses they service. They proposed a swap whereby the City would convey its one acre on Pin Oak Parkway, the majority of which is wetlands, in exchange for an access easement that connects to the City's property along the railroad tracks. The Law Director recommended this legislation for passage tonight since this acquisition involves multiple transactions.

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

No: None

Absent: Arnold

Motion carried.

Ordinance No. 23-163 adopted.

Ordinance No. 23-164, AN ORDINANCE APPROVING A LOT SPLIT FOR PORTIONS OF ALAMEDA AVENUE, NORTH DRIVE, AND ELECTRIC BOULEVARD, REPEALING ORDINANCE NO. 23-161, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Arnold

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-164. This legislation will approve the lot split for portions of Alameda Avenue, North Drive, and Electric Boulevard within the P-I (Public and Institutional) Zoning District that was petitioned by Avon Lake Regional Water and approved by the Planning Commission on November 1, 2022.

Director Esborn stated that after Council passed Ordinance No. 23-161 approving the lot split and the vacation of paper streets at the site Avon Lake Animal Clinic desires to purchase, the title company was informed by the Lorain County Tax Map Department that the vacation should be addressed in a separate ordinance. Therefore, Ordinance No. 23-164 pertains to the lot split and repeals Ordinance No. 23-161 and the subsequent legislation will focus on the vacation of paper streets.

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

No: None

Absent: Arnold

Motion carried.

Ordinance No. 23-164 adopted.

Ordinance No. 23-165, AN ORDINANCE APPROVING A 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: Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber, David

No: None

Absent: Arnold

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-165. This legislation will approve a vacation of the paper streets of Alameda Avenue, North Drive, and Electric Boulevard within the P-I (Public and Institutional) Zoning District.

In response to Mrs. Fenderbosch, Director Esborn stated that the acreage of the vacated streets is 0.7568, and the acreage of the parcel Avon Lake Animal Clinic will purchase is 1.66.

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

No: None

Absent: Arnold

Motion carried.

Ordinance No. 23-165 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

- Mr. Kos reported on the 10th annual Boo by the Woods and Trail of Haunted Tales Halloween Festival held on October 7th. The rain held off for four hours and the activities were moved inside the library for the fifth hour. This festival was successful due to the efforts of many dedicated volunteers. Mr. Kos thanked the following organizations, individuals, and groups: Avon Lake Public Library with Shae Altamont, and the entire Boo crew; the Cleveland Haunt Club and, specifically, Brian Selkirk and Mike Manning, who set up the library basement into a haunted house; Avon Lake Parks and Recreation Department, Recreation Director Erin Fach, and Program Manager Jacqui Hoffman; Communications and Technology Department and Stephanie Biggers; Lorain County Metroparks; Avon Lake High School Drama Club; Avon Lake Police Department, Fire Department, and Public Works Department and, specifically, Leadman Jeff Smith; and Alan Perkins who donated the skeleton and allowed other props to be used for the amazing display at the library's main entrance.
- Mayor Zilka announced that he received two telephone calls from residents asking why the City's flags were not flying at half-staff due to the tragedy in the Middle East. He informed both callers that he does not determine when the flag is raised or lowered; it is by order of the President of the United States or the Governor of Ohio. Avon Lake did receive notice yesterday and the flags were placed at half-staff until sunset on October 13th.

PUBLIC INPUT

1) Ryan McDavid, 232 Jaycox Road, Avon Lake asked:

- the name of the contractor repaving the bike paths?

City Engineer Howard stated that Geauga Highway was awarded the contract.

- if the Brownfields grant of \$300,000 was spent or how is it being spent?

Mayor Zilka stated that the grant was offered to ALERG (Avon Lake Environmental Redevelopment Group), but they chose not to use it because if they accepted it, they would be required to disclose their findings now instead of when a transaction is pending. The City hopes to use the funds for another project.

Director Esborn added that the City signed an extension with the Ohio Department of Development in hopes that a project could be found, and the City is still in good standing with that grant.

- 2) Jason Lamb, of the Avon Lake Animal Clinic, 124 Miller Road, Avon Lake addressed Council in support of constructing a parking lot on a vacant parcel 150 feet from the clinic.
- 3) The following individuals addressed Council in opposition to the proposed parking lot that the Avon Lake Animal Clinic would like to construct adjacent to residential homes:
- Dale Guthman, 33708 Electric Boulevard, Avon Lake.
 - Amy Adams, 33803 Electric Boulevard, Unit C-17, Avon Lake.
 - Vera Wong, 33811 Lake Road, Avon Lake.
- 4) Father Dan Fickes, Holy Spirit, 410 Lear Road, Avon Lake previously requested Council to consider endorsing a letter urging President Biden to send representatives to a United Nations meeting at the end of November regarding nuclear weapons. While this is not a local issue, he asked Council to place this matter on their next agenda.
- 5) William Zimmerman, 241 Moorewood Avenue, Avon Lake voiced his opposition to the 25-mph speed limit on Lake Road near the Power Plant and Webber Road.
- 6) Gerald Phillips, 461 Windward Way, Avon Lake, as legal counsel for residents near Avon Lake Animal Clinic, voiced his opposition to the Clinic's request to construct a parking lot adjacent to residential homes.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: Arnold

Motion carried.

Adjournment: 8:17 P.M.

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

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