

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
OCTOBER 23, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on October 23, 2023 at 7:00 P.M. in the Council Chamber with Council President O'Donnell presiding.

Council President O'Donnell led the Council, staff, and public in the Pledge of Allegiance.

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

Absent: Mrs. David and City Engineer Howard.

**APPROVAL OF MINUTES**

The minutes of the Council Meeting on October 10, 2023, were approved as prepared and published.

**MAYOR'S REPORT**

Mayor Zilka was informed that the first batch of absentee ballots were distributed, which were printed on yellow paper that stated that the postage to return the ballot is 66 cents. A second batch of absentee ballots, printed on white paper, claimed that the postage to return the ballot was 90 cents. This error will create a problem for those who mail the ballot with incorrect postage which will be returned to the sender. Paul Adams from the Lorain County Board of Elections was contacted, and he verified residents can track the mailing of their ballot at [www.voteohio.gov/track](http://www.voteohio.gov/track). Additional information about this situation has been placed on the City's website.

Light Up the Park will be held on Friday, December 1<sup>st</sup>. Mike and Lisa Aflen of 166 Moore Road were the winners of the best Halloween decorations contest offered by the Recreation Department and have been asked to "flip the switch" at Light Up the Park.

Lucas Hricko of the Communications & Technology Department won an award for excellence in editing. The submission was a team effort by the department that included graphics by Jen Miller; video footage by Brian Bowers; voice-over work by Stephanie Biggers; and Barb Cagley wrote the script.

The Walker Road railroad track removal project started today and ends November 6<sup>th</sup>. Traffic will be maintained using temporary traffic signals assisted by the Avon Lake Police Department. The lane closure will allow for the removal of railroad tracks and the installation of new pavement and sidewalks.

Mayor Zilka attended a seminar in Washington, DC on empowering local leadership sponsored by the Greater Cleveland Partnership, Northeast Ohio Mayors and Managers Association. He met with Congressman Latta, and they discussed the Power Plant demolition and mitigation project. Avon Lake is continuing its pursuit of grant opportunities in partnership with the Lorain County Metroparks. The two grants applied for from the National Oceanic Atmospheric Administration (NOAA) Climate Rezone Regional Challenge were rejected. However, the City received three reviews of the applications that noted the strong points of its submission along with suggestions for improvements to the next round of applications that will be available in the spring. Congressman Latta asked that the City's initial application be sent to him for a reference. There were several speakers at the conference including Congressman Max Miller, representing the Rocky River area; Congressman Robert Joyce representing Lake County; Congressman Johnson, representing East Palestine; and Congresswoman Sykes, representing the Akron area; along with Senator J. D. Vance and Congressman Turner, representing the Columbus area. Topics included NASA and Beyond; Artificial Intelligence (AI); America's fight against human trafficking; and the global perspective on America's national affairs.

#### **COUNCIL PRESIDENT'S REPORT**

There will not be a meeting on Monday, October 30<sup>th</sup> because it is the fifth Monday of the month. The next Collective Committee Meeting will be held on Monday, November 6<sup>th</sup> at 7:00 p.m.

The next Council Meeting will be held on Monday, November 13<sup>th</sup> at 7:00 p.m.

#### **BUILDING AND UTILITIES COMMITTEE REPORT**

Mr. Spaetzel reported on the meeting of the Building and Utilities Committee, held earlier, and noted that the focus of the meeting was on power outages in Wards 3 and 4. First Energy was in attendance and gave a presentation, and many comments were received from the residents also in attendance. First Energy stated that they would return with their summary answers to the questions posed within six weeks.

#### **FINANCE COMMITTEE REPORT**

Council President O'Donnell reported on the meeting of the Finance Committee held September 5<sup>th</sup>. The following topics were discussed: 1) Lorain County Budget Commission; 2) transfer of the "400 funds"; 3) 2022 audit approval by the State Auditor; 4) Moody's bond rating for the ladder truck; and 5) competitive bidding increase from \$50,000 to \$75,000.

#### **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the meeting of the Human Resources Committee held October 11<sup>th</sup> that included a presentation by Gallagher & Co. on the Classification and Salary Study. The meeting was video-taped and is available for viewing.

A special Human Resources Committee meeting will be held on Tuesday, October 24<sup>th</sup> at 6:00 p.m. in the Council Chamber. At that meeting, the Committee will adjourn to executive session to discuss compensation of public employees followed by a discussion on the Gallagher report, the appointment of a Police Sergeant, and amendments to Civil Service Rule 8.

#### **PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**

Mr. Kos reported on the meeting of the Public Safety and Health Committee held October 18<sup>th</sup>. The following topics were discussed: 1) the purchase of a command vehicle for the Fire Department; 2) the contract extension for the Flock cameras; and 3) Police Department vehicles.

#### **PUBLIC SERVICE COMMITTEE REPORT**

The next meeting of the Public Service Committee will be held on Thursday, November 16<sup>th</sup> 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 14<sup>th</sup> 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, October 25<sup>th</sup> at 7:00 p.m. in the Council Chamber.

#### **TREE COMMISSION REPORT**

The next meeting of the Tree Commission will be held Wednesday, November 8<sup>th</sup> at 7:00 p.m. at the Old Firehouse and Community Center.

#### **SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE REPORT**

Mr. Kos reported on the meeting of the Solar Eclipse Support Ad Hoc Committee held October 18<sup>th</sup>. The contract with Rock the House Entertainment Group, which is being vetted by the Law Director, was discussed. The City has a good working relationship with Rock the House and planning for the event is ongoing while the contract is being finalized. The Avon Lake Solar Eclipse website ([www.avonlakesolareclipse.com](http://www.avonlakesolareclipse.com)) is now available to keep the public apprised of the timeline of activities for the event.

## LEGISLATION

### Third 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.

Mrs. Fenderbosch moved for passage of Resolution No. 23-159. 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.

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

No: None

Absent: David

Motion carried.

**Resolution No. 23-159 adopted.**

### First Readings:

Resolution No. 23-166, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE OR HIS DESIGNEE TO FILE AN APPLICATION FOR AN OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) COMMUNITY RECYCLING GRANT FOR THE PURPOSE OF PURCHASING A NEW CHIPPER, F350 WITH PLOW PACKAGE, AND CHIPPER BOX AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 23-166. This legislation will authorize the Mayor to apply for an Ohio EPA grant of up to \$200,000 with a 25% match or \$50,000 to be applied for the acquisition of a chipper, F350 with plow package and chipper box for the Public Works Department.

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

No: None

Absent: David

Motion carried.

**Resolution No. 23-166 adopted.**

Ordinance No. 23-167, AN ORDINANCE AWARDING A CONTRACT FOR THE INSTALLATION OF LED LIGHTING AT THE PUBLIC WORKS COMPLEX AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-167. This legislation will award a contract for the installation of LED lights at the Public Works Complex to David Schalk Electric of Avon, Ohio for an amount not to exceed \$65,000. The City will use funds received from a NOPEC grant to pay for this expenditure.

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

No: None

Absent: David

Motion carried.

**Ordinance No. 23-167 adopted.**

Ordinance No. 23-168, AN ORDINANCE AWARDING A CONTRACT FOR THE INSTALLATION OF LED LIGHTING AT THE SAFETY CENTER AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-168. This legislation will award a contract for LED lighting at the Safety Center to Jim's Electric, Inc. of North Ridgeville, Ohio for an amount not to exceed \$65,000. The City will use funds received from a NOPEC grant to pay for this expenditure.

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

No: None

Absent: David

Motion carried.

**Ordinance No. 23-168 adopted.**

Ordinance No. 23-169, AN ORDINANCE APPROVING THE FINAL PLAT FOR PORT WEST SUBDIVISION NO. 4 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-169. This legislation will approve the final plat for Port West Subdivision No. 4, consisting of 36 residential lots on 11.5947 acres located south of Walker Road between Coastal Drive on the east and Sorrento Lane on the west within an R1 Single-Family Residence Planned Unit Development District. On October 3<sup>rd</sup>, the Planning Commission recommended approval subject to the conditions that the homeowners association agreement will contain limitations of fences and sheds within any easement in the development; the grade and seeding be completed before occupancy; and the soil stabilization be approved by the City Engineer.

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

No: None

Absent: David

Motion carried.

**Ordinance No. 23-169 adopted.**

Ordinance No. 23-170, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SUBLEASE BETWEEN JOANN DOSZTAL, DBA BOSS CLE ATHLETIC COMPANY AND STOP 65, LLC AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-170. This legislation will authorize the Mayor to enter into a two-year sublease with Joann Dosztal, dba Boss CLE Athletic Company, and Stop 65, LLC commencing January 1, 2024 to December 31, 2026 for usage fees based on the terms outlined in the sublease.

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

No: None

Absent: David

Motion carried.

**Ordinance No. 23-170 adopted.**

Ordinance No. 23-171, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2024 FORD EXPLORER FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the purchase of a 2024 Ford Explorer for the Fire Department that was reviewed during the 2024 capital budget meeting. The command vehicle is one of the most utilized vehicles in the Fire Department in that it travels to every call. The current command vehicle has a 10-year life span, and it is 12 years and is due to be replaced. Extra safety features have been added based on recent regulations on how gear is stored inside the vehicle. Studies have shown that gases are released from equipment. Therefore, it is recommended that all equipment be removed and stored in sealed compartments within the vehicle. The Fire Chief and Finance Director agreed that this expenditure can be ordered and payment and delivery are expected at the end of 2024.

Ordinance No. 23-172, AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend the rules of the Civil Service Rule 8 by broadening the rule that requires concealment of the identity of examinees. At the advice of legal counsel, the Civil Service Commission approved this amendment before scheduling the lateral entry Police Officer examinations.

Ordinance No. 23-173, AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2023 FORD TRANSIT 350 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: O'Donnell, Spaetzel, Zuber, Arnold, Fenderbosch, Kos

No: None

Absent: David

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 23-173. This legislation will authorize the purchase of a 2023 Ford Transit 350 from the Public Works Department through the State Cooperative Purchasing Program in an amount not to exceed \$90,000.

Public Works Director Brubaker explained that the City will receive an \$85,000 grant from Avon Lake Senior Group to purchase a community van. When visiting the car lot, there was an opportunity to add a jump seat to the seven passenger seats, thereby increasing the van to nine passengers. This van will also be used for City employees in training or if the Community Development Department needs to give prospective businesses a tour of the City.

Mr. Zuber acknowledged his appreciation to Ford Motor Company for everything they have done for the City and noted that in 2024, Ford Motor Company will celebrate the 50th anniversary of the Ford Plant in Avon Lake.

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

No: None

Absent: David

Motion carried.

**Ordinance No. 23-173 adopted.**

### **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

Mr. Kos asked for clarification on the leaf pickup program. In response, Public Works Director Brubaker stated that the Public Works Department had begun collecting leaves that day with three trucks. Residents should report any issue with leaves in the street or catch basins to 440-930-4126, and it will be handled immediately.

Mrs. Fenderbosch announced that last Thursday, October 19<sup>th</sup>, the City hosted Lorain County America the Beautiful Commission at the Lakehouse. The Commission toured the Old Firehouse and Community Center, and lunch was provided by Salad Kraze. The plantings at the Old Firehouse and Community Center will be split and the Avon-on-the Lake Garden Club will begin seeding for a new garden in Lorain County. November 15<sup>th</sup> is America Recycles Day and activities have been planned within Lorain County. America the Beautiful will gift the City two cigarette receptacles that will be used by visitors who are unaware that smoking is prohibited in City parks.

Mayor Zilka reported that Shred Day will be held on Saturday, October 28<sup>th</sup> from 9 a.m. until 1 p.m. at the municipal pool in Bleser Park.

### **PUBLIC INPUT**

Chris Quinlan of North Ridgeville informed the public that Light Up the Park on December 1<sup>st</sup> will begin at 6 p.m.

Gerald Phillips, 461 Windward Way, Avon Lake asked if the City cites residents who are habitual offenders of placing leaves in the street; if so, is a record kept of these instances. In response, Mayor Zilka stated that it is a safety issue and letters are sent to offenders during some situations. The City has other issues to focus on and attempts are made to keep neighborhoods neat and ensure residents are following the rules. It is a challenge because of the number of residences. However, if there is an egregious violation, the City will pursue compliance.

Mr. Zuber stated that the new software the City is in the process of implementing will have the capability to track violations.



William Zimmerman, 241 Moorewood Drive, Avon Lake stated that he made a public records request, and some documents were received. Radar information was provided but it would not be used by ODOT to decide about speeds. He was informed by the company that produces the radar signs that 99.9% of these signs are used by law enforcement to set up speed traps. The Law Director is attempting to obtain information from ODOT regarding the two state roads that should not have a speed limit below 35. He believes that it is illegal for Council to lower the speed limit on Webber Road and Lake Road (near the power plant).

Mayor Zilka responded that it is not the objective of the Police Department to catch people speeding to raise revenue. It is for safety and protection, and it has never been the City's goal to enhance its treasury by issuing speeding tickets, which is evidenced by people stopped being given a warning instead of a ticket.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David

Motion carried.

Adjournment: 7:52 P.M.

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

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