

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
NOVEMBER 13, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on November 13, 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, 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, Mr. Kos, and City Engineer Howard.

**LEGISLATION**

Ordinance No. 23-176, AN ORDINANCE CONFIRMING THE APPOINTMENT OF TROY DESCENZO AS SERGEANT IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-176. This legislation will confirm the appointment of Troy DeScenzo as Sergeant in the Police Department at the biweekly salary of \$3,794.49 effective November 13, 2023. The Civil Service Commission certified Mr. DeScenzo's appointment at their meeting held earlier.

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

No: None

Absent: David, Kos

Motion carried.

**Ordinance No. 23-176 adopted.**

Law Director Ebert administered the Oath of Office to Troy DeScenzo.

**APPROVAL OF MINUTES**

The minutes of the special Council Meeting on October 16, 2023, were approved as prepared and published.

## **MAYOR'S REPORT**

Mayor Zilka congratulated the winners of the November 7th election: Mayor Elect Mark Spaetzel, Council Ward I Rob Shahmir and Ward III Amy Gentry; and the re-election of Council Ward II Jennifer Fenderbosch and Council Ward IV David Kos.

Forty-three Avon Lake businesses are participating in the fifth annual Avon Lake Shop Local. A daily drawing of a \$50 gift card will be held at one or more of the businesses involved, and two grand prize drawings, each valued over \$1,000, will be held on December 19. Shoppers are encouraged to submit their entries when they stop at one of the Avon Lake businesses taking part in this event. Shop Local was started by the Economic Development Director Ted Esborn, who is now known as the Community Development Department Director, to support small businesses and stimulate growth during the holiday season.

## **COUNCIL PRESIDENT'S REPORT**

The next Collective Committee Meeting will be held on Monday, November 20, at 7:00 p.m.

The next Council Meeting will be held on Monday, November 27, at 7:00 p.m.

## **LAW DIRECTOR'S REPORT**

Ordinance No. 23-182 will be withdrawn from tonight's agenda tonight because Sixmo, Inc. requires more time to determine the project budget that will now include civil engineering. The scope of the project will be modified to pivot from design-build criteria into a competitive bidding format. It is anticipated that this legislation will be introduced at the next Council Meeting

Council President O'Donnell noted that suspension of the rule and passage of Ordinance No. 23-179 will not be presented at this meeting because Mr. Arnold cannot vote due to a conflict of interest and Mr. Kos and Mrs. David are absent. Suspension of the rule requires the support of a minimum of five Council members to move legislation forward.

## **BUILDING AND UTILITIES COMMITTEE REPORT**

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

## **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

The next meeting of the Economic Development Committee will be held on Monday, November 20, at 5:00 p.m. in the Council Chamber.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the Human Resources Committee held earlier. The following topics were discussed: the retirement of a Sergeant and the appointment of a Sergeant in the Police Department; the vacancy of the Combination Inspector in the Building Department; the resignation of the Administrative Assistant in the Recreation Department; the vacancy of the HR Director; the wage increases, retroactive to July 1, 2023, for part-time, non-bargaining employees; the job description for the Business and Financial Coordinator at Avon Lake Regional Water; and the Gallagher Study.

## **PUBLIC SERVICE COMMITTEE REPORT**

The meeting of the Public Service Committee has been rescheduled from Thursday, November 16, to Thursday, November 30, 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, 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, December 6, at 7:00 p.m. in the Council Chamber. It is the practice of the Zoning Board of Appeals to not meet in November but meet on the first Wednesday in December.

## **TREE COMMISSION REPORT**

Mrs. Fenderbosch reported that the Tree Commission is in its Junior Year of the Tree Commission Academy. On Friday, November 17, they will receive training on measuring, plotting, and identifying trees in the tree lawns along Jaycox Road, off Lake Road, that will be compiled into a Master Plan for the City and will be instructed on the proper method of pruning and tree trimming.

## **MOTIONS**

Council President O'Donnell moved to remove the motion permitting Mr. Arnold to be excused from voting on Ordinance No. 23-179 under Codified Ordinance 220.19(b) - M. O'Donnell.

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

No: None

Absent: David, Kos

Motion carried.

Mr. Zuber moved to accept the resignation due to the retirement of Sgt. Thomas Anadiotis,

effective November 12. Sgt. Anadiotis has decided to retire from the City after 22 years of service with the Police Department, and he has served the past three years as Sergeant.

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

No: None

Absent: David, Kos

Motion carried.

Mr. Zuber moved to accept the resignation due to the retirement of Police Officer Jared Rudduck, effective November 18, 2023. Police Officer Rudduck has decided to retire from the City after 24 years of service, 10 years of which he served as the K9 handler with K9 Officer Ady, who retired April 2022.

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

No: None

Absent: David, Kos

Motion carried.

Mr. Zuber moved to accept the resignation of Recreation Administrative Assistant Christine McChesney, effective November 13, 2023. Ms. McChesney was hired in August and has decided to pursue another opportunity and tendered her letter of resignation.

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

No: None

Absent: David, Kos

Motion carried.

Mr. Zuber moved to accept the resignation of HR Director Mary Siwierka, effective November 19, 2023. Mrs. Siwierka served in the role of HR Director from January 2020. In this capacity, she reorganized the HR Department, implemented policies and procedures, updated the employee handbook, and has been an advocate of employee training. She was recently elected to Elyria City Council and will begin this service in January 2024.

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

No: None

Absent: David, Kos

Motion carried.

## LEGISLATION

Council President O'Donnell moved to remove Ordinance No. 23-182, authorizing the Mayor to execute a professional services agreement with Sixmo, Inc., relating to Avon Lake Play Space.

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

Second Readings:

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.

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

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

Council President O'Donnell moved for passage of Ordinance No. 23-171. This legislation will authorize the purchase of a 2024 Ford Explorer for the Fire Department, from Atlantic Emergency Solutions, Inc. of Manassas, Virginia, in the amount of \$119,376.

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

**Ordinance No. 23-171 adopted.**

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

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

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

Mr. Zuber moved for passage of Ordinance No. 23-172. This legislation will amend Civil Service Rule 8, Concealing the Identity of Examinees who participate in a competitive examination by structured interview and will permit the Police Officer Lateral Entry process to proceed by the Civil Service Commission.

Yes: Zuber, Arnold, Fenderbosch, O'Donnell, Spaetzel  
No: None  
Absent: David, Kos

Motion carried.

**Ordinance No. 23-172 adopted.**

First Readings:

Ordinance No. 23-177, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH ZUPKA & ASSOCIATES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into a personal services agreement with Zupka & Associates of Seven Hills, Ohio, for the preparation of the 2023, 2024, and 2025 financial statements for an amount not to exceed \$73,130.

Resolution No. 23-178, A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF AVON LAKE THAT HAS TERRITORY LOCATED IN LORAIN COUNTY, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 2.0 RENEWAL LEVY FOR THE PURPOSE OF AN AMBULANCE AND EMS LEVY UNDER OHIO REVISED CODE SECTION 5705.19(I) 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, Fenderbosch, O'Donnell, Spaetzel

No: None

Absent: David, Kos

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 23-178. This legislation will request the Lorain County Auditor to certify the current tax valuation that would be generated by a renewal levy for ambulance and EMS services. The funds generated by this levy will pay for payroll, medical insurance, and pension costs for the Secretary and one shift in the Fire Department; vehicles; ambulances, on a 12-year replacement rotation; and large equipment purchases like cardiac monitors, mechanical CPR devices, power cots, and loading systems. Since 2012, the levy has been renewed every three years, and the Board of Elections recommended the City pursue a five-year renewal.

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

No: None

Absent: David, Kos

Motion carried.

**Ordinance No. 23-178 adopted.**

Ordinance No. 23-179, AN ORDINANCE PROVIDING FOR ENGINEERING SERVICES ON BEHALF OF THE CITY WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize payment for engineering services provided by Bramhall Engineering & Surveying Co. of Avon, Ohio for an amount not to exceed \$100,000. When the staff in the Engineering Department resigned last May, Council authorized a personal services agreement with Bramhall (Ordinance No. 23-68) and will continue to work with Bramhall until a City Engineer has been appointed.

Ordinance No. 23-180, AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO FORD EXPLORERS FOR THE POLICE DEPARTMENT 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, Fenderbosch, O'Donnell, Spaetzel

No: None

Absent: David, Kos

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-180. This legislation will authorize the purchase of two 2024 Ford Explorers for the Police Department, from Liberty Ford of Maple Heights, Ohio in the amount of \$86,534.

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

No: None

Absent: David, Kos

Motion carried.

**Ordinance No. 23-180 adopted.**

Ordinance No. 23-181, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FIVE-YEAR PERSONAL SERVICES AGREEMENT WITH FLOCK, INC. FOR THE FLOCK SAFETY PLATFORM AND FLOCK SAFETY LPR PRODUCTS AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a five-year personal services agreement with Flock, Inc. of Atlanta, Georgia, for the Flock Safety Platform and Flock Safety LPR Products, for an amount not to exceed \$142,650. LPR (license plate reader) cameras have been installed at nine of the entrances into the City. This agreement will authorize the installation of a camera at the last entrance on Krebs Road and assign a mobile camera to the Police Department.

Ordinance No. 23-182, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN PART-TIME NON-BARGAINING UNIT PERSONNEL AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: David, Kos  
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-182. This legislation will approve wage increases for certain part-time non-bargaining unit personnel, retroactive to July 1, 2023.

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

No: None

Absent: David, Kos

Motion carried.

**Ordinance No. 23-182 adopted.**

Ordinance No. 23-183, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF BUSINESS AND FINANCIAL COORDINATOR AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the position of Business and Finance Coordinator at Avon Lake Regional Water at the recommendation of Chief Utilities Executive Rob Munro.

## **MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

- Light Up the Park will be held on Friday, December 1 at 6:00 p.m. at Veterans Memorial Park.

## **PUBLIC INPUT**

William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council regarding the public records request he made pertaining to the City reducing the speed limit on Webber Road, Lake Road, and SR 83. The Ohio Revised Code states that speed on state routes is established by ODOT, but he does not understand why the City has the authority to reduce the speed limit. The City did provide him with the radar records, but he requested documents justifying the actions of the City for the speed reduction. He contacted ODOT and was informed that the last journalized entry of Lake Road's speed limit was in the 1950s, which was 35 mph. Paperwork does not exist with ODOT as to why that area was determined to be a business district and when the reduction to 25 mph occurred. He did receive a phone message from Mayor Zilka that the documents he requested do not exist<sup>1</sup>, and Mr. Zimmerman voiced his lack of understanding of their non-existence.

Law Director Ebert stated that, before this meeting, he gave Mr. Zimmerman a written response to his public records request (attached).

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<sup>1</sup> ORC 149.39 states that every municipal corporation is required to have a Records Commission. The Records Commission's function is to provide the rules for the retention and disposal of records. The City of Avon Lake has a records retention policy, and all records are disposed of according to said policy.



Rob Shahmir, 31705 Driftwood Court, Avon Lake, as resident and member of Environmental Affairs Advisory Board (EAAB), asked for an update on the letter that was sent to Director Esborn on September 25<sup>th</sup> by Verdantas (attached). Mr. Shahmir asked for clarification on the scope of Verdantas' task order. He stated that the EAAB desires to know if the groundwater data that was presented at the Community Improvement Corporation (CIC) meeting by Avon Lake Environmental Redevelopment Group (ALERG) includes geologic and groundwater data and if it has been analyzed by Verdantas. If so, what is their advice on the groundwater and the imperviousness quality of the shale?

Council President O'Donnell requested Mayor Zilka obtain a response from Director Esborn.

## EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(1), Mrs. Fenderbosch moved to adjourn to the Executive Session to discuss the compensation of public employees.

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

No: None

Absent: David, Kos

Motion carried.

Adjournment: 7:47 P.M.

## RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 8:56 P.M.

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

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

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David, Kos

Motion carried.

Adjournment: 8:58 P.M.

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

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