

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
NOVEMBER 27, 2023**

The regular meeting of the Avon Lake Municipal Council was called to order on November 27, 2023, at 7 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.

Present: Council Members Zach Arnold, Billie Jo David, Jennifer Fenderbosch, David Kos, Marty O'Donnell, Mark Spaetzel, and K. C. Zuber; Mayor Gregory Zilka; Law Director Gary Ebert; Finance Director Ed Widman; City Engineer Chris Howard; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the Council Meeting on October 23, 2023, and the special Council Meeting on October 30, 2023, were approved as prepared and published.

CORRESPONDENCE

Council President O'Donnell presented Mayor Zilka with Proclamations from:

- Marcie Kaptur, U.S. Representative
- 135th General Assembly of the Ohio Senate, signed by Senate President Matt Huffman and Senator Nathan Manning
- Hon. Robert Latta, U.S. House of Representatives
- Ohio Governor Mike DeWine and Lt. Governor Jon Husted

Ohio Representative Joe Miller presented Mayor Zilka with the following Proclamation:

- State Representatives Joe Miller, District 53, and Gayle Manning, District 52.

Mayor Zilka expressed his appreciation for receiving the Proclamations and stated that it has been his honor to serve the residents of the City. During his 38½ years on Council, he worked with 42 members. His volunteer service with the City began in 1978 as a member of the Charter Review Commission, and then he served on the Planning Commission. In July of 1985, he was appointed to fill the vacated Council At-Large seat of Russ Lynch.

MAYOR'S REPORT

Mayor Zilka attended the annual meeting of Northeast Ohio Public Energy Council (NOPEC) and received the City's report card. NOPEC is a consortium that provides gas and electric services at a reduced rate. 18 months ago, their rates were higher than FirstEnergy, and NOPEC customers were encouraged to switch to FirstEnergy and return

to NOPEC when the rates dropped. Currently, the electric rates are 6.45 cents per kilowatt hour and FirstEnergy is substantially higher. There are 7,002 households in Avon Lake that participate in NOPEC and 5,978 receive natural gas service. Since 2019, Avon Lake has received \$370,276.88 in grants and used \$117,934 of the grant awarded for energy-efficient lighting for Christmas lights, a boiler system, air condition units at City Hall, LED lighting at Walker Road Park, the volleyball courts in Bleser Park, and 2,000 LED light bulbs.

Light Up the Park will be held on Friday, December 1st at 6 p.m. at Veterans Memorial Park. Residents Mike and Lisa Aflan were selected to “flip the switch” as the winners of the Christmas lights decoration contest held last year.

Kimble Trash and Recycling secured the lowest bid for the trash contract, and owner Don Johnson has requested a meeting with the City to begin the process of reviewing the contract. The bid included alternative options that will be decided by the next Council in 2024. The new contract will begin on April 1, 2024.

Mrs. Fenderbosch announced that the Lorain County Consortium would like to meet with the City to review the contracts prior to the City meeting with Kimble and has selected a tentative date of December 6, 2023.

COUNCIL PRESIDENT’S REPORT

The next Collective Committee Meeting will be held on Monday, December 4, at 7 p.m.

The next Council Meeting will be held on Monday, December 11, at 7 p.m.

The 2024 Budget Meeting will be held on Wednesday, December 9, at 6 p.m.

CITY ENGINEER REPORT

City Engineer Howard stated that the ODOT Pedestrian Improvement Project and sidewalks at the intersection of Walker Road and Armour Drive and Lear Road and Creekside Drive are completed. The Rectangular Rapid Flashing Beacons (RRFBs) will arrive in late December and will be installed, weather permitting. All permanent pavement markings will be placed in the spring.

FINANCE DIRECTOR’S REPORT

Finance Director Widman explained that Ordinance 23-195R was revised to correct an error in the hourly rate for one of the non-bargaining employees. The revised legislation was distributed prior to the meeting. Also, payroll reports of historical information on the wage increases of non-bargaining employees were emailed to Council and no additional comments were received.

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.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, December 11, at 6 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be held on Thursday, December 14, at 5:30 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Thursday, November 30, at 6 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The Planning Commission meeting for December has been canceled. The next meeting of the Planning Commission will be held on Wednesday, January 3, 2024, at 7 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 p.m. in the Council Chamber.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mrs. David reported that the next “Environmentally Speaking” education series will be held on Tuesday, December 12, at the Avon Lake Public Library at 7 p.m. The topic is, The Spotted Lantern Fly and Poison Hemlock.

TREE COMMISSION REPORT

The next meeting of the Tree Commission will be held on Wednesday, December 13, at 7 p.m. at the Old Firehouse and Community Center.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE REPORT

Mr. Kos reported that the meeting of the Solar Eclipse Support Ad Hoc Committee was not held in October because the Law Director needed to review some contractual documents. After he has approved the documents, a meeting will be scheduled in December.

AUDIENCE PARTICIPATION

- William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council regarding the Flock Safety Platform, Ordinance No. 23-181. He learned that the system has a Safe List feature, similar to the Do-Not-Knock Registry, and he questioned why this feature was never discussed in the meetings he attended.

In response to his inquiry, Council President O'Donnell requested that Mr. Kos, Chair of the Public Safety and Health Committee, discuss this feature at the next meeting. Mr. Kos agreed to include the item on the Committee's agenda.

MOTIONS

Mr. Zuber moved to accept the resignation, due to retirement, of Administrative Aide Priscilla Shutic, effective December 1, 2023.

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

No: None

Motion carried.

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance No. 23-179, pursuant to Codified Ordinance 220.19(b), due to a conflict of interest.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to accept a donation of \$1,000, on behalf of the Tree Commission, from the Avon Lake Environmental Redevelopment Group (ALERG) for Arbor Day 2024.

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

No: None

Motion carried.

Mrs. Fenderbosch moved to accept the donation of three crab apple trees that will be transplanted to the Peter Miller House estate from the ALERG property.

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

LEGISLATION

Second 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.

Finance Director Widman noted that there are changes in the State reporting requirements, and Zupka & Associates' advice will help the City through the process.

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.

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

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

Council President O'Donnell moved for passage of Ordinance No. 23-179. 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.

Yes: David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Abstention: Arnold
Motion carried.
Ordinance No. 23-179 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. License Plate Reader (LPR) cameras have been installed at nine of the entrances of the City. This agreement will also authorize the installation of a camera on Krebs Road, the last entrance, and assign a mobile camera to the Police Department.

Chief Molnar stated that the cost of this five-year contract is a bargain in comparison to placing officers at every entry point in the City to photograph and catalog the make, model, and color of every vehicle that comes into the City for 24 hours a day, 365 days a year. The annual salary of one officer plus benefits is approximately \$125,000.

Mr. Arnold asked Chief Molnar to explain the retention policy of the system.

Chief Molnar stated that the pictures and license plate information are catalogued in the system and kept for 30 days. If there is a reason to search the system based on a crime, such as a hit/skip accident or something serious, a search will be conducted on the Flock system of the Northeast Ohio communities and, if necessary, nationwide.

Mrs. Fenderbosch asked if the City would be contacted should another community submit an alert in the system.

Chief Molnar stated that one of the reasons the City subscribed to the system was to help combat auto thefts. After the system was installed, there was a reduction in auto thefts from 27 to 9 in a year, and the City is on pace to be less than 9 this year. Whenever a stolen vehicle comes into the City, an alert is received by a dispatcher on a computer screen and officers on patrol, who are logged into their Mobile Data Terminals (MDTs). The system will also provide AMBER, Endangered Missing Adult, and Silver Alerts. Additional warnings for sex offenders and protection orders can be elevated to a national level through the National Crime Information Center (NCIC).

Mr. Kos stated that the cost of having this system available to the City to keep the community safe is money well spent for the reasons noted by Chief Molnar.

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.

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. 23-172. 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. This is a new position that evolved from the position of Technical Support Specialist.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Motion carried.
Ordinance No. 23-172 adopted.

First Readings:

Resolution No. 23-185, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LICENSE AGREEMENT WITH THE CITY OF BAY VILLAGE, ON BEHALF OF AVON LAKE REGIONAL WATER, AND DECLARING AN EMERGENCY.

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

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

Mr. Spaetzel moved for passage of Resolution No. 23-185. This legislation will authorize the Mayor to sign a license agreement between the City of Bay Village and the City of Avon Lake, to permit Avon Lake Regional Water to install a repeater on a tower at the Bay Village Service Department on Krebs Road. The repeater is for advanced metering infrastructure for water readings. Avon Lake Regional Water has agreed to install improvements in Walker Road Park, at the cost of \$40,031.88, in exchange for use of the tower.

Yes: Arnold, David, Fenderbosch, Kos, O'Donnell, Spaetzel, Zuber
No: None
Motion carried.
Resolution No. 23-185 adopted.

Ordinance No. 23-186, AN ORDINANCE DECLARING A MORATORIUM ON NEW CONDITIONAL USE PERMITS IN THE LAKE ROAD FOCUS AREA, PURSUANT TO CODIFIED ORDINANCE SECTION 1214.03, AND DECLARING AN EMERGENCY.

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

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

Mr. Arnold moved for passage of Ordinance No. 23-186. This legislation will declare a moratorium on the issuance of new conditional use permits on the Lake Road focus area for an additional year, or until November 30, 2024.

Law Director Ebert stated that due to the development of the power plant, zoning changes may be necessary. This moratorium is important to support the desires of the residents of Avon Lake.

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

No: None

Motion carried.

Ordinance No. 23-186 adopted.

Ordinance No. 23-187, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR PORT WEST SUBDIVISION NO. 5, WITH THE CONDITION THAT THE MEMORANDUM OF UNDERSTANDING FOR TRAFFIC IMPROVEMENTS AT MIDSHIP DRIVE AND WALKER ROAD BE ADHERED TO, AND DECLARING AN EMERGENCY.

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. 23-187. This legislation will approve the Improvement Plans for Port West Subdivision No. 5, consisting of 21 single-family lots on 5.6127 acres, located south of Midship Drive, and east of Coastal Drive, within an R-1 Single-Family Residence Zoning District, Planned Unit Development (PUD), and approved by Planning Commission on November 12, subject to the condition that the Memorandum of Understanding (MOU) for traffic improvements at Midship Drive and Walker Road will be followed.

Mr. Kos stated that the MOU, regarding the new housing development, will be reviewed at the next meeting of the Public Safety and Health Committee with the representative from Pulte Developers, the Police Chief, and the Fire Chief. Additional traffic improvements are anticipated in the area and will be studied to determine if a traffic light or other traffic control devices are warranted.

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

No: None

Motion carried.

Ordinance No. 23-187 adopted.

Ordinance No. 23-188, AN ORDINANCE APPROVING THE FINAL PLAT FOR LEGACY ISLE, SUBDIVISION NO. 2, AND DECLARING AN EMERGENCY.

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. 23-188. This legislation will approve the Final Plat of Legacy Isle, Subdivision No. 2, consisting of 20 single-family lots on 10.67918 acres south of Walker Road, east of Avon Belden Road, and west of Jaycox Road, in an R-1 Single-Family Residence Zoning District, as recommended by Planning Commission.

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

No: None

Motion carried.

Ordinance No. 23-188 adopted.

Ordinance No. 23-189, AN ORDINANCE PROVIDING CONTINUED LEGAL COUNSEL AND DECLARING AN EMERGENCY.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 23-189. This legislation will extend the legal services of Todd Davis, regarding the redevelopment of the power plant and Brownfields, for an amount not to exceed \$35,000.

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

No: None

Motion carried.

Ordinance No. 23-189 adopted.

Ordinance No. 23-190, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ENTERPRISE FLEET MANAGEMENT FOR THE LEASING OF CITY VEHICLES AND DECLARING AN EMERGENCY.

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. 23-190. This legislation will authorize the Mayor to execute a contract with Enterprise Fleet Management to lease 11

City vehicles for the Public Works Department, for an annual amount not to exceed \$187,000. In November of 2022, the Finance Director was authorized to negotiate a contract with Enterprise Fleet Management to lease vehicles through the Sourcewell Cooperative Program (Ordinance No. 22-165). Thereafter, the Public Works Director and his staff determined the number of vehicles needed, and the lease must be signed to secure delivery in 2024. The vehicles are identified as two F550s, four F350s, and five F250s.

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

No: None

Motion carried.

Ordinance No. 23-190 adopted.

Ordinance No. 23-191R, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH UNDERGROUND UTILITIES, INC. AND DECLARING AN EMERGENCY.

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

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

No: None

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-191R. This legislation will approve a change order with Underground Utilities, Inc., of Monroeville, Ohio, for construction services relating to the Central Avon Lake Drainage Project (CALDP) Phase II. During the project, wetlands were discovered and additional services were required to delineate the wetlands, resulting in a change order for the project.

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

No: None

Motion carried.

Ordinance No. 23-191R adopted.

Ordinance No. 23-192, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH GEAGA HIGHWAY CO. AND DECLARING AN EMERGENCY.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-192. This legislation will approve a change order to the contract with Geauga Highway Co., of Hirman, Ohio, for the 2023 Asphalt Walking and Bike Path Program. During the construction of the walking and bike paths, the contractor discovered they lacked a stone base. Therefore, additional

stone is needed for the base, and a change order is necessary for an amount not to exceed \$55,000.

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

No: None

Motion carried.

Ordinance No. 23-192 adopted.

Ordinance No. 23-193, AN ORDINANCE FIXING COMPENSATION RANGES FOR AVON LAKE REGIONAL WATER NON-BARGAINING POSITIONS, REPEALING ORDINANCE NO. 21-179, AND DECLARING AN EMERGENCY.

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. 23-193. This legislation will establish new pay ranges for non-bargaining employees in the Municipal Utilities Department and repeal Ordinance No. 21-179. The pay increases were approved by the Avon Lake Municipal Utilities Board on November 21st.

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

No: None

Motion carried.

Ordinance No. 23-193 adopted.

Ordinance No. 23-194, AN ORDINANCE CONFIRMING THE APPOINTMENT OF RAMONA BOGGINS TO THE POSITION OF DEPUTY CLERK OF COUNCIL, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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. 23-194. This legislation will confirm the appointment of Ramona Boggins to the position of Deputy Clerk of Council at the hourly rate of \$21.94, effective November 28, 2023.

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

No: None

Motion carried.

Ordinance No. 23-194 adopted.

Ordinance No. 23-195R, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN NON-BARGAINING UNIT PERSONNEL AND DECLARING AN EMERGENCY.

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

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

No: Arnold

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-195R. This legislation will approve pay increases for non-bargaining employees, retroactive from July 1, 2023. The increases are based on the Gallagher Study and recommended by the Administration.

Discussion

Mr. Arnold voiced his opposition to suspending the rule for three readings. The pay increases were discussed in executive sessions several times, and he believed the public should have more time to see what the increases are. The increases are approximately \$90,000 in back pay and \$180,000 moving forward. He did not support the salary study conducted by Gallagher at the cost of \$140,000 (sic)¹. In the private world, salary studies are not conducted on current employees unless a business owner wants to be competitive. The increases proposed range from .74% to 35%. Some employees have resigned/retired (after July 1 and before November 27), and they will receive retroactive pay from July 1. In his opinion, the study does not justify increasing payroll by approximately \$200,000. Speaking as a small business owner, that is a lot to take on. Perhaps if there was a high turnover with these positions, then the salaries could be re-evaluated.

Mayor Zilka stated that the salary study was expensive, and it was controversial. There was a lot of debate before the City agreed to it. There were several cities in the study that were comparable to the City of Avon Lake and 19 (sic, 16) cities participated. If Bay Village is used as an example and these increases are approved, the City will move its employees closer to what the employees in Bay Village earn. Bay Village has a population of 15,000 and Avon Lake has over 25,000. The City of Avon Lake is more than twice the size of Bay Village and is not paying their employees enough in comparison to other communities of similar size, economic wealth, and responsibility. These increases will move employees, who have been underpaid for years, and place them into a range. After these increases are approved, it will be easier for the Administration and Council to move employees up a step and have them receive a cost-of-living increase. Then employees will know what their future earnings will be. When someone is interviewed, the City will be able to use the ranges to determine the individual's step, based on their education, experience, reputation, and resume. This process is fair, and it is dependent upon good evaluations. Employees will be evaluated before they can reach the next step. If they are deficient, they can be held at that step until they improve. A range is an incentive for improvement.

¹ Gallagher was contracted by the City to conduct a classification and compensation study at the cost of \$145,000, as follows: the classification study was \$65,000; the compensation study was \$60,000; and administration fees in the amount of \$20,000 for the initiation and the finalization of the project.

Mr. Kos stated that he voted in favor of the Gallagher study, and 16 other communities were evaluated. Gallagher is one of the top companies in the country, when it comes to these types of studies, not only salary, but job descriptions. The numbers were not arbitrarily selected, they were based on a review of these communities and their job descriptions for a complete cost comparison. Gallagher looked at the duties and responsibilities of City employees in comparison with other communities that have a similar size and economic status. The increases place employees in the middle range, not the top. This will make up for the number of years employees were underpaid, which the City was unaware of until the study was completed. Placing employees in a position where they are being paid an amount similar to their colleagues in other communities is fair. If this legislation passes, the process to increase wages will be easier moving forward by utilizing steps and the cost-of-living increases.

Mrs. Fenderbosch stated that when individuals leave/retire from the City, the City wants to hire the best. It must be competitive within the market, and these ranges will allow that to happen. Employees also participated in the study by describing what their job duties and responsibilities are, because sometimes a job description does not capture exactly what the position entails. The Gallagher Study equitably compared the job tasks of positions in other communities. She struggled with the retroactive pay from July 1, but after learning the bargaining contracts were effective from July 1, retroactivity is fair; the bargaining employees have received increases, and the non-bargaining employees have not had a pay increase for 18 months. Therefore, she decided to support it. There were some individuals hired for one type of job, and as they evolved through the City, duties and responsibilities were added but their salary did not reflect their increased duties. The reason suspension of the rule is necessary is to allow the Payroll Administrator to effectuate these changes. She will have to update all these records and needs time for data entry.

Mr. Spaetzel agreed with the comments of his colleagues and stated that he was not in favor of the Gallagher Study but supported creating salary ranges. There are things within the study that need to be further reviewed, and he clarified that Council is considering passing the wage increases to move employees to the market level and not the study. There will be further discussion on implementing the study.

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

No: Arnold

Motion carried.

Ordinance No. 23-195R adopted.

Resolution No. 23-196, A RESOLUTION SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING AMBULANCE AND EMS SERVICES TO THE CITY OF AVON LAKE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19(I), AND DECLARING AN EMERGENCY.

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

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

No: None
Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-196. This legislation will place a five-year tax levy renewal on the March 19 primary for ambulance and EMS services. Previously, the levy was renewed every three years, but the Lorain County Board of Elections recommended Council consider a five-year renewal, as a cost savings and to provide a longer term of stability. The revenue from the levy funds the expenditures of one shift in the Fire Department, including overtime for shift fills, emergency recall overtime for EMS calls, education incentive for staff, medical insurance, pension, and personnel; vehicles and equipment, ambulances, large equipment purchases, such as cardiac monitors, mechanical CPR devices, power cots used in the ambulances, and loading systems.

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

No: None
Motion carried.

Ordinance No. 23-196 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

- Toys for Tots Campaign is underway, and it runs through the weekend of December 8th. All new and unwrapped toys can be donated at the following locations: Avon Lake City Hall, Avon Lake Public Library, and the Avon Lake Fire Department. Every toy donated in Lorain County will be given to a child in Lorain County.
- Avon-on-the-Lake Garden Club is partnering with the City by "greening" Avon Lake. On Tuesday, December 5 several workshops will be held at the Lake House from 10 a.m. to 7 p.m.

PUBLIC INPUT

- Rob Shahmir, 31705 Driftwood Court, Avon Lake, as a resident and member of the Environmental Affairs Advisory Board (EAAB), addressed Council to follow up on previous questions he asked on the hiring of an environmental consultant. The primary role of an environmental consultant would be to outline potential risks, educate the City and Council on environmental and regulatory issues, and develop strategies to address potential environmental issues. The consultant would not go onto the site. He also asked if the City or Council was notified that mercury was discharged into Lake Erie for 31 days, during the months of April through June of 2022, in violation of the Clean Water Act. EAAB was alerted of this violation by a resident who discovered it on the Ohio EPA website. If the City retains an environmental consultant, there would be transparency and dialogue with ALERG and Charah Solutions.

He asked if the City would hire an environmental consultant through this phase of activity because the City will be extending its contract with Attorney Davis. He was unaware of the Key Performance Indicators (KPIs) of Attorney Davis because the public

meetings had not identified any and asked what Attorney Davis' deliverables had been. If the City is not working with an environmental consultant because it is waiting for something to happen and is dealing with Attorney Davis instead, who is also a developer and a Brownfield consultant but not an environmentalist, then he may not fully understand the environmental requirements.

In response to Council President O'Donnell, Mr. Shahmir stated that Director Esborn had not answered his questions from the last meeting. Council President O'Donnell requested the Mayor follow up with Director Esborn regarding Mr. Shahmir's questions.

Mr. Zuber informed Mr. Shahmir that the City has hired an environmental consultant, and he reiterated his request to the Mayor to instruct the consultant to write up a report for Council after every Community Improvement Corporation (CIC) meeting regarding every environmental issue that arises.

Mr. Spaetzel informed Council that he, Mr. Arnold, and Director Esborn met with Steve Gross, the environmental consultant from Verdantas, earlier. Mr. Shahmir's questions were asked, and they discussed Mr. Gross' role moving forward. He is an independent body answerable to Council and not to Attorney Davis or the City's zoning counsel, Berns, Ockner & Greenberger. Director Esborn will be following up on this meeting, and the next steps taken will include involvement from the Ohio EPA.

- Malachi Witt, 126 Woodstock Avenue, Avon Lake, addressed Council as the resident who discovered the Clean Water Act violation. He stated that every discharge site is required to have a permit and report to the Clean Water Act. The power plant's discharge site is Powdermaker Creek. The only piece not included in the violation report is the history of toxins released. There have been 38 violations in 2013; 19 in 2014; 5 in 2015; 2 in 2016; and 2 in 2017. He voiced his concern about these toxins being discharged into the lake and stated that toxins are heavy metals that fall into the sediment and there has been no discussion of sampling the sediment, on the beach area.
- William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council regarding his opposition to the Flock System, his displeasure with the fiscal responsibility of Council, and his public records request regarding the speed zone studies. The Law Director provided him with a written response to one of his requests, but it was not the request for information on the speed zone study. He stated that Mayor Zilka informed him that the location of the documents is unknown.

Mayor Zilka stated that he did respond to a voice message left by Mr. Zimmerman last Wednesday, November 22, and he spoke with him twice earlier. The suggestion that he

has never responded to Mr. Zimmerman's messages is false. Mr. Zimmerman has been informed several times that the City does not have the information he is requesting².

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:49 p.m.

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

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

² 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.