

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
DECEMBER 18, 2023**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on December 18, 2023, at 8:20 p.m. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos led the Council, staff, and public in the Pledge of Allegiance.

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

Absent: Mrs. David.

MAYOR'S REPORT

Mayor Zilka reflected on the life of Bucky Kopf, owner of Kopf Construction, who died on December 8, 2023. Bucky was a lifelong resident, who had an incredible impact on the community, and through his leadership, Kopf Construction built several thousands of homes in Avon Lake. He was an avid supporter of school athletics, having played six-man football at Avon Lake High School and at West Liberty College. He contributed financially to the improvements at the high school football and baseball fields and donated 68 acres for The Kopf Family Reservation Metroparks. His community service included trusteeships at universities, hospitals, and other non-profit organizations. He will be missed by many, but his legacy in Avon Lake will continue.

COUNCIL PRESIDENT'S REPORT

The Council Organizational Meeting will be held on Tuesday, January 2, 2024, at 7:30 p.m.

Council President O'Donnell stated that Mrs. David was unable to attend this meeting because of an illness. Since her term will expire on December 31, 2023, this meeting would have been her last one as Council Ward 1 Representative. She was appointed to the position in March of 2020, when Rob James resigned. In addition to serving on a several Council Committees, she served on the Business Navigation Ad Hoc Committee and was instrumental in developing recommendations that led to the creation of the Community Development Department. She decided in early 2023 that family obligations and work commitments prevented her from seeking a second term.

Mr. Kos, Mrs. Fenderbosch, Mr. Spaetzel, Mr. Arnold, and Mr. Zuber expressed their thanks and appreciation for Mrs. David's service to the City.

CITY ENGINEER

City Engineer Howard reported that the 2023 Walking and Bike Path Program was completed by the contractor.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, January 8, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported that the Lorain County Commissioners extended waivers for trash haulers who deposit recyclables and trash at the Lorain County landfill. The extension of waivers will drive competition and reduce costs for customers.

The next meeting of the Public Service Committee will be held on Tuesday, January 9, 2024, at 6 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

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, January 24, 2024, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that there are two vacancies on the Tree Commission. If anyone is interested, they are instructed to send a letter of interest and resume to Valerie Rosmarin, Clerk of Council, at vrosmarin@avonlake.org or 150 Avon Belden Road, Avon Lake, Ohio 44012.

The next meeting of the Tree Commission will be held on Wednesday, January 10, 2024, at 7 p.m. at the Old Firehouse.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE REPORT

Mr. Kos reported that the Solar Eclipse Support Ad Hoc Committee met on December 13, 2024, and reviewed an agreement between the City and Avon Lake City Schools for the use of the athletic stadium for the Solar Eclipse Watch Party on Monday, April 8, 2024.

MOTIONS

Mr. Zuber moved to accept the resignation of Public Works Director Kevin Brubaker, effective December 31, 2023.

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved to accept the resignation of City Prosecutor John Reulbach, effective December 31, 2023.

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance Nos. 23-211 and 23-213 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold requested permission to be excused from voting.

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

No: None

Absent: David

Motion carried.

LEGISLATION

Second Readings:

Ordinance No. 23-198, AN ORDINANCE AUTHORIZING THE CITY TO SOLICIT REQUESTS FOR QUALIFICATIONS FROM DESIGN PROFESSIONAL SERVICES TO DESIGN THE PLAYGROUND AT BLESER PARK, KNOWN AS THE AVON LAKE PLAY SPACE, AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-198. This legislation will authorize the City to solicit Requests for Qualifications (RFQs) from design professionals for the design of Avon Lake Play Space (ALPS). In November of 2022, the City entered into an agreement with

Sixmo, Inc., an architectural firm, to implement a design-build process for the construction of ALPS. RFQs were issued for the design-build, but an insufficient number of qualified statements were received. Now, the City will solicit RFQs from design professionals to design the project based on community input. This path will allow the project to be built as soon as possible. After the design is completed, bids will be advertised to construct the design.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-198 adopted.

First Readings:

Ordinance No. 23-202, AN ORDINANCE AUTHORIZING PAYMENT FOR THE LEAR ROAD BUMP PROJECT AT THE RAILROAD TRACKS AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-202. This legislation will authorize payment to Underground Utilities, Inc., (UUI) of Monroeville, Ohio, for repair work to the rail line and the roadway over the culvert on Lear Road. The fees assessed by UUI were \$90,692.12 and the City's portion was \$70,535.22 and Avon Lake Regional Water's portion was \$20,156.90.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-202 adopted.

Ordinance No. 23-203, 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: Kos, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold

No: None

Absent: David

Motion carried.

Mr. Spaetzel moved for passage of Ordinance No. 23-203. This legislation will authorize a change order from Underground Utilities, Inc., of Monroeville, Ohio, in the amount of \$11,821.60, to reset a manhole at the Gra Gull outfall.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-203 adopted.

Ordinance No. 23-204, AN ORDINANCE TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2023 AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-204. This legislation will authorize the Finance Director to make supplemental appropriations for 2023.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-204 adopted.

Ordinance No. 23-205, A RESOLUTION TO ADOPT AND DECLARE A TEMPORARY BUDGET FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-205. This legislation will authorize the temporary budget for 2024, as determined by the Finance Director, with input from Department Heads, the Administration, and Council. A permanent budget will be finalized by March 31, 2024.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-205 adopted.

Ordinance No. 23-206, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A DEPUTY CLERK IN THE AVON LAKE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-206. This legislation will authorize the appointment of Sharon Martin, as Deputy Clerk in the Municipal Court, effective January 1, 2024, at the hourly rate of \$23.25.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-206 adopted.

Ordinance No. 23-207, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A. STEVEN DEVER AS CITY PROSECUTOR IN AVON LAKE MUNICIPAL COURT, ESTABLISHING DUTIES AND THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-207. This legislation will authorize the appointment of A. Steven Dever, as City Prosecutor in the Municipal Court, effective January 1, 2024, at the annual salary of \$45,000, payable biweekly, as determined by the Finance Director.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-207 adopted.

Ordinance No. 23-208, AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION FOR THE JUDGE OF AVON LAKE MUNICIPAL COURT AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-208. This legislation will authorize the compensation of Allison Manning, as the Municipal Court Judge, effective January 1, 2024, at the annual salary of \$61,750 plus the annual stipend of \$1,500, for service as the Administrative Judge. Three-fifths of Judge Manning's salary will be paid by the City and the remaining balance, or two-fifths, paid by Lorain County.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-208 adopted.

Ordinance No. 23-209, AN ORDINANCE IMPOSING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR ADULT-USE CANNABIS BUSINESS AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-209. This legislation will authorize a six-month moratorium on the issuance of permits for cannabis businesses. The Department of Commerce, division of cannabis control, will establish rules and regulations by June 7, 2024, and a six-month moratorium will allow the City, Planning Commission, and Zoning Board of Appeals time to review the rules and regulations from the State.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-209 adopted.

Ordinance No. 23-210, AN ORDINANCE APPROVING ADDITIONAL FUNDS FOR SEELEY, SAVIDGE, EBERT & GOURASH CO., LPA, FOR LEGAL SERVICES, AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 23-210. This legislation will authorize additional legal fees in the amount of \$10,000 for services rendered by Seely, Savidge, Ebert & Gourash, Co., LPA, regarding the lawsuit filed by ParkPlay Solutions, Inc., for the development of Avon Lake Play Space (ALPS).

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-210 adopted.

Ordinance No. 23-211, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 23-211. This legislation will authorize the extension of the contract with Bramhall Engineering & Surveying Co., of Avon, Ohio, for engineering services until March 31, 2024, for an amount not to exceed \$50,000.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-211 adopted.

Resolution No. 23-212, A RESOLUTION RATIFYING A FACILITIES USE AGREEMENT WITH AVON LAKE SCHOOL DISTRICT FOR THE 2024 TOTAL SOLAR ECLIPSE WATCH PARTY AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Resolution No. 23-212. This legislation will ratify an agreement with Avon Lake City Schools that will allow the City to use the high school football stadium and its facilities for the Solar Eclipse Watch Party on Monday, April 8, 2024.

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

No: None

Absent: David

Motion carried.

Resolution No. 23-212 adopted.

Ordinance No. 23-213, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES FROM BRAMHALL ENGINEERING AND SURVEYING CO. AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Fenderbosch moved for passage of Ordinance No. 23-213. This legislation will authorize a personal services agreement for engineering design services from Bramhall Engineering and Surveying Co., in the amount of \$352,000, for the 2024 Street Project.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-213 adopted.

Resolution No. 23-214, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE, OR HIS DESIGNEE, TO FILE AN APPLICATION FOR THE STATE OF OHIO COMMUNITY PROJECT BOND FUNDING FOR THE PURPOSE OF CONSTRUCTING A SHELTER/PAVILION AT WEISS FIELD, AND DECLARING AN EMERGENCY.

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

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

Mrs. Fenderbosch moved for passage of Resolution No. 23-214. This legislation will authorize the Mayor, or his designee, to apply to the State of Ohio for a community grant to construct a shelter, or pavilion, at Weiss Field. Director Fach and City Engineer Howard prepared the required documentation for the grant submission.

Yes: Kos, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold
No: None
Absent: David
Motion carried.
Resolution No. 23-214 adopted.

Ordinance No. 23-215, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY.

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

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

Mr. Kos moved for passage of Ordinance No. 23-215. This legislation will authorize the Mayor to enter into a Memorandum of Understanding with Pulte Homes of Ohio, LLC, for a traffic study at Pulte's new development at the intersections of Midship Drive, Moorewood Avenue, and Walker Road; and Coastal Drive, Cedarwood Road, and Walker Road.

In response to Mr. Kos, City Engineer Howard stated that GPD Group will oversee the traffic study on behalf of the City.

Mrs. Fenderbosch explained that there will be five phases in this development and 143 homes built. Planning Commission discussed the requirement of a traffic study when they reviewed Phase 3. Phase 5 will have 21 homes, and the traffic study will forecast traffic from those future homes.

Yes: Kos, Fenderbosch, O'Donnell, Spaetzel, Zuber, Arnold
No: None
Absent: David
Motion carried.
Ordinance No. 23-215 adopted.

Ordinance No. 23-216, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PREVENTATIVE MAINTENANCE AGREEMENT WITH CLEVELAND COMMUNICATIONS, INC., AND DECLARING AN EMERGENCY.

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

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

No: None

Absent: David

Motion carried.

Mr. Kos moved for passage of Ordinance No. 23-216. This legislation will authorize the Mayor to enter into a two-year contract with Cleveland Communications, Inc., of Parma, Ohio, in the amount of \$17,410, for a preventative maintenance agreement for 61 Harris portable radio units and 18 Harris mobile radio units for the Fire Department.

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

No: None

Absent: David

Motion carried.

Ordinance No. 23-216 adopted.

PUBLIC INPUT

- Rob Shahmir, 31705 Driftwood Court, Avon Lake, addressed Council as a resident and member of the Environmental Affairs Advisory Board (EAAB) regarding the Power Plant's retention pond and its connection to the stormwater discharge point. He displayed pictures of the retention pond, described the process of sampling, and asked who is responsible for taking samples and if the City will have access to take samples within the first 30 minutes of a rain event. He informed Council that he met with the City's environmental consultant, Steve Gross of Verdantas. They discussed how to proceed should an issue arise and agreed that sampling needs to be done before the water goes into the system. Mr. Shahmir reiterated that the City should have been notified of the Clean Water Act violation last May and received an analysis report and risk management assessment.

Mrs. Fenderbosch stated that the City receives a permit from the Ohio EPA, and she thought Charah or Avon Lake Environmental Redevelopment Group (ALERG) would also receive a permit from the Ohio EPA. She was unaware that the City issues permits and asked City Engineer Howard to confirm the process.

City Engineer Howard stated that the City issues permits for sites for stormwater management of a construction site. If the environmental consultant needs to be involved, then the City will consult with him regarding sampling. ALERG should have received a permit from the City when the plans were approved. The City does not assign a permit number. If the environmental consultant recommends sampling, the

City should be allowed on the property to take samples. The entry of mercury into Lake Erie would have been reported to the Ohio EPA and the United States EPA.

Mayor Zilka stated that he would discuss sampling with Director Esborn and Mayor-elect Spaetzel.

- William Zimmerman, 241 Moorewood Avenue, Avon Lake, wished Mayor Zilka well in his retirement.
- Chris Quinlan, 6238 Dogwood Lane, North Ridgeville, wished Mayor Zilka well in his retirement.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Council members offered their individual farewell statements to Mayor Zilka, whose term expires December 31, 2023. In July of 1983, Greg Zilka was appointed to fill the vacated Council At-Large seat of Russ Lynch. In November of 1983, he was elected as Council At-Large and continued to be re-appointed 12 times, or 26 years. In 2011, he decided to switch positions and was elected as Mayor. His first term began in 2012, and his third term began in 2020 and ends December 31, 2023. During these years of service, he has worked with 42 Council members, 4 Mayors, and 3 Clerks of Council. Mayor Zilka's career as a high school government teacher and a public servant for 38 ½ years has been remarkable, and he has left an indelible mark on the community.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Absent: David

Motion carried.

Adjournment: 9:38 p.m.

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

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