

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 12, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on February 12, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Ms. Gentry led Council, staff, and the public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Marty O'Donnell, Rob Shahmir, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Ed Widman; and Clerk of Council Valerie Rosmarin.

Absent: City Engineer Chris Howard.

APPROVAL OF MINUTES

The minutes of the Organizational Meeting on January 2, 2024, and the Council Meeting on January 8, 2024, were approved as prepared and published.

CORRESPONDENCE

Mrs. Fenderbosch reported that she received a letter signed by individuals seeking Council's support for the release of the hostages held by Hamas.

MAYOR'S REPORT

Mayor Spaetzel reported that Ward meetings have been scheduled. The meetings for Wards 1 and 2 will be held on Wednesday, March 6, 2024, at Learwood Middle School from 7 p.m. to 9 p.m., and Wards 3 and 4 will be held on Wednesday, March 13, 2024, at Troy Intermediate School from 7 p.m. to 9 p.m.

The paramedic five-year renewal levy is on the March 19th primary as Issue 2. The run volume for the Fire Department has doubled in the last 18 years, and this levy will provide vital funding for one shift of firefighters, in addition to vehicle maintenance, fuel, and EMS equipment, and will fund approximately 50 percent of operating costs for the supplies for the Fire Department.

On December 8, 2023, the City's paramedics responded to a full cardiac arrest at a local establishment of a man whose heart was not beating. They started advanced cardiac care and were able to restore his pulse, and he was transferred to the hospital. This is the type of service the levy will provide to the public.

The new five-year trash contract begins April 1st for waste, recycling, and yard waste. The Administration listened to the Community, reviewed the residents' survey, and

evaluated the criteria for bid specifications for the new contract. Two companies bid, and Kimble Waste and Recycling was selected as the lowest and best bid. Residents will still have all the options that they currently have under their trash contract with Kimble, which is a 96-gallon container and a 64-gallon container. Kimble is now offering two new container options. There is a smaller container option, which is 32 gallons and requested by the Community, and a 96-gallon option for yard waste. Between now and April 1st, residents will receive information from Kimble on the current service and pricing. The available containers will be available for viewing at the Public Works garage, 750 Avon Belden Road.

The Northeast Ohio Areawide Coordinating Agency (NOACA) will distribute a public survey that some residents will receive, and the City encourages participation. Its survey will help NOACA, who manages the transportation in this area, make decisions on important projects that cost millions of dollars, and they want to hear from the Community.

The next meeting on the Eclipse will be held on Thursday, February 22, 2024, at the Avon Lake Public Library. Eclipse information can be found at www.avonlakesolareclipse.com.

Lucas Hricko of the Communications & Technology Department received the Philo T. Farnsworth 2023 Excellence in Editing award. He was one of 160 entries in this category.

Mrs. Fenderbosch stated that the Ward Meetings are being held at the same time as the Environmental Affairs Advisory Board meeting (March 6, 2024) and the same time as the Tree Commission meeting (March 13, 2024). She understood the difficulty in scheduling the Ward Meetings but stated that the Board and Commission are important; she thanked the volunteers for continuing to meet on these dates.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell reported on the following:

- 1) A motion will be added to the agenda to excuse Mr. Arnold from voting on Ordinance No. 24-25.
- 2) Council will not meet in observance of President's Day on Monday, February 19, 2024. The rescheduled Collective Committee Meeting will be held on Tuesday, February 20, 2024, at 7 p.m., and the next Council Meeting will be held on Monday, February 26, 2024, at 7 p.m.
- 3) Applications to nominate a resident for Citizen of the Year and Project of the Year for 2023 are available on the City's website and at City Hall. The deadline to apply is Monday, April 1, 2024.

LAW DIRECTOR'S REPORT

Law Director Ebert reported that a letter was sent to Norfolk Southern Railway requesting their trains be rerouted to avoid passage through Avon Lake during the Eclipse. An increase in traffic volume is anticipated, and the City wants to ensure safe passage for emergency vehicles. He also sent a letter to the Governor and some State representatives.

Mr. Zuber asked Law Director Ebert if it is necessary to amend Ordinance No. 24-27 to include the start date of the Public Works Director, which was voted on by the Human Resources Committee but was not listed in the legislation. In response, Law Director Ebert stated that the Committee motion is sufficient, and the legislation does not need to be amended on the floor.

COMMUNICATIONS, ENVIRONMENTAL & RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported that three members of the Environmental Affairs Advisory Board (EAAB) would like to present strategic planning to address the coyote problem and the issue of sediment sampling in the land lease at the Power Plant site.

Council President O'Donnell stated that this portion of the meeting is for the Chair of the Committee to give a report. If EAAB members would like to make a presentation, a work session can be scheduled before a Council Meeting, or they could speak for five minutes at the end of the meeting during Public Comment.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

The next meeting of the Economic Development Committee will be held on Tuesday, February 20, 2024, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the Human Resources Committee meeting held earlier. The Committee adjourned to Executive Session to discuss the hiring of a public employee. When the Executive Session adjourned and the Committee was in Open Session, the Committee passed a motion to forward the appointment of Jonathan Liskovec as the Public Works Director with a start date of March 1, 2024. The Committee also received an update on the hiring of an HR Director and discussed the Records Clerk job description.

The next meeting of the Human Resources Committee will be held on Monday, March 11, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported that bids have been advertised for the Miller Road Park Sand Dredging Project, and comments on the Lake Road Sidewalk Installation Project. All bids and comments should be sent to City Engineer Chris Howard at choward@avonlake.org by March 4, 2024. Also, bids for the Walker Road Paving Project, Phase 3 and Phase 4, are due to City Engineer Howard by February 23, 2024.

The next meeting of the Public Service Committee will be held on Tuesday, February 13, 2024, at 6 p.m. in the Council Chamber. This meeting will begin with a joint meeting with the Building & Utilities Committee to discuss relocating the permit process for landscapers from the Engineering Department to the Building Department to ensure the efficiency of operations.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that three candidates were interviewed for the two open positions on the Tree Commission, and two candidates were selected and will be appointed later in the meeting.

AUDIENCE PARTICIPATION

- William Zimmerman, 241 Moorewood Avenue, Avon Lake, voiced his opposition to Ordinance No. 24-27, the appointment of Jonathan Liskovec as the Public Works Director. He stated that Mr. Liskovec worked as the Service Director in the City of Bay Village and is the son-in-law of Law Director Ebert, and he questioned his qualifications and the hiring process conducted by the Mayor, who worked with Mr. Liskovec at the City of Bay Village. It was his opinion that this appointment represents collusion between the Law Director and Mayor.

Mayor Spaetzle responded that he and Law Director Ebert will explain the hiring process when Ordinance No. 24-27 is presented.

- Greg Oliver, 32850 Rebecca Lane, Avon Lake, applauded Mr. Shahmir's efforts in bringing new ideas and ways of presenting issues to Council. He appreciated and encouraged Mr. Shahmir's efforts to challenge the status quo.

Council President O'Donnell responded that Council is open to forums of various board and commission members. Discussion on when a forum should occur needs to be determined.

- Gerald W. Phillips, 461 Windward Way, Avon Lake, asked the following questions:
 1. Why was Joe Reitz forced out of his employment with the City?
 2. Why has the Engineering Department been dismantled?
 3. Why wasn't Darwin Ward considered for the Public Works Director position?

4. Is the applicant, Jonathan Liskovec, the son-in-law of Law Director Ebert? If he is, then Ordinance No. 24-27 should be removed from the agenda because of Codified Ordinance Section 260.28, Nepotism, and Codified Ordinance Section 234.07, Conflict of Interest.

Mr. Phillips expressed his opinion that a conflict of interest exists with Law Director Ebert drafting and negotiating the legislation. The Mayor also has a conflict of interest because all three individuals were employed in the City of Bay Village. He asked how many people were interviewed, and why was Darwin Ward (Assistant Public Works Director) not qualified for the position.

Mayor Spaetzel reiterated that he will explain the hiring and selection process of the Public Works Director when Ordinance No. 24-27 is discussed and noted that the Ohio Ethics Commission has offered its opinion.

Law Director Ebert stated that the Clerk of Council prepared Ordinance No. 24-27 to remove his involvement from the process.

- Eric Kreig, 31724 Leeward Court, Avon Lake, addressed Council regarding Ordinance No. 24-27. He attended the Human Resources Committee meeting held earlier, but the Committee adjourned to Executive Session which prevented him from learning about the hiring process or participating in Public Comment. He asked what the City's approach will be in the hiring of an HR Director, a City Engineer, and a Public Works Director that will provide the public with an understanding of its due diligence. He looks forward to hearing more about this issue and hopes to become involved.

MOTIONS

Council President O'Donnell moved to add a motion to permit Mr. Arnold to be excused from voting on Ordinance No. 24-25 pursuant to Codified Ordinance Section 220.19(b).

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Mr. Zuber moved to confirm the Mayor's appointment of William Albrecht to the Civil Service Commission for a term commencing February 13, 2024, and expiring December 31, 2029.

Mayor Spaetzel stated that Mr. Albrecht is a 26-year resident and has been employed with the City of Lakewood Police Department since 1995. He is the Hiring Coordinator for the Department and has worked with the Lakewood Civil Service Commission on entrance and promotional examinations, eligibility lists, and civil service rules. He is the past Chairman of the Collective Bargaining Unit. Based on Mr. Albrecht's qualifications, he has been recommended for this appointment.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mrs. Fenderbosch moved to confirm the Mayor's appointment of Sue Newcomb to the Tree Commission for a term commencing February 13, 2024, and expiring December 31, 2025.

Mrs. Fenderbosch stated that Ms. Newcomb is a lifelong resident of Avon Lake, a retired middle school science teacher, and was the first part-time woman paramedic in the City. She completed field workshops with Miami University (Ohio) and Texas AM; participated in field geology, ornithology, and natural history workshops; is a member of the Audubon Society, local Black River Audubon, National Wildlife Federation, Grand Canyon Conservancy, Sierra Club, The Nature Conservancy, and Native Plant Society of Northeast Ohio; is a Master Gardener with Western Reserve Land Conservancy, Northeast Ohio Pollinator Society, Ohio State Extension, and Native Plant Society of Northeast Ohio; and is a board member of the Avon Lake Garden Club. In the 1990's, she was involved with a community group that counted and identified trees in Avon Lake for the City's first "Tree City" designation. Based on Ms. Newcomb's qualifications, she has been recommended for this appointment.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mrs. Fenderbosch moved to confirm the Mayor's appointment of Katie Downie to the Tree Commission for a term commencing February 13, 2024, and expiring December 31, 2024.

Mrs. Fenderbosch stated that Mrs. Downie has a degree in geology, specializing in atmospheric science; a Bachelor of Science degree in natural resources, with a major in forestry and urban forestry; is a forester with Legacy Forestry Consulting, that has both governmental and private land holdings; previously employed with Better Meadows & Woodlands and Davey Tree expert; is a member of various arboriculture and forestry and foresters' associations; is accredited through the Ohio Tree Farm System as a certified inspector and certified arborists; and is a licensed pesticide applicator. Based on Mrs. Downie's qualifications, she has been recommended for this appointment.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Council President O'Donnell moved to permit Mr. Arnold to be excused from voting on Ordinance No. 24-25 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold requested permission to be excused from voting.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

LEGISLATION

Second Reading:

Ordinance No. 24-17R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 667.02, ENTITLED RESTRICTIONS IN PUBLIC PLACES, AND CODIFIED ORDINANCE SECTION 1070.02, ENTITLED MUNICIPAL PARK RULES, was read by title only.

Mr. Kos moved to suspend the rule requiring three readings.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-17R. This legislation will prohibit smoking marijuana on City property and in City parks. Due to the statewide ballot issue that legally permitted the use of marijuana, the Public Safety & Health Committee reviewed the Codified Ordinance and expanded the smoking and use of tobacco prohibitions to include the use of marijuana. City property is defined as, "any enclosed area of any building, structure, vehicle, or other space owned and operated by the City wherever so located within the City and City land, and any unenclosed land owned or managed by the City including, but not limited to parking lots and landscaped areas." Dedicated streets, sidewalks, and tree lawns are not included in this prohibition. If passed, the Public Works Department will have 30 days to replace signage throughout the City.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.
Ordinance No. 24-17R adopted.

First Readings:

Ordinance No. 24-21, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED AND RESTATED LEASE WITH AVON LAKE PUBLIC LIBRARY AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute the lease with the Avon Lake Public Library to use the basement space at the library for the City's Communications and Technology Department. This lease will amend the lease dated May 24, 2017, and restate the terms of the one-year lease with an option to extend for five consecutive years. The monthly rental will be 5% of the utilities fees, not to exceed \$6,000 annually.

Ordinance No. 24-22, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY, LLC, FOR ENTERPRISE MANAGED TECHNOLOGY SERVICES FOR CITY HALL, AVON LAKE MUNICIPAL COURT, AND THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute an agreement with Simvay, LLC, of Westlake, Ohio, for Enterprise Managed Technology Services for City Hall, the Municipal Court, and the Fire Department at the monthly fee of \$4,500, or \$108,000 annually, effective April 1, 2024, to March 31, 2026.

Ordinance No. 24-23, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY, LLC, FOR ENTERPRISE MANAGED TECHNOLOGY SERVICES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute an agreement with Simvay, LLC, of Westlake, Ohio, for Enterprise Managed Technology Services for the Police Department at the monthly fee of \$3,400, or \$81,600 annually, effective April 1, 2024, to March 31, 2026.

Ordinance No. 24-24, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO JOINTLY FUND THE PURCHASE AND MAINTENANCE OF A Lenco Bearcat® G3 ARMORED SPECIALTY RESCUE VEHICLE FOR THE EASTERN LORAIN COUNTY EMERGENCY RESPONSE TEAM (ELCERT) COMPRISED OF THE CITY OF AVON, THE CITY OF AVON LAKE, AND THE CITY OF NORTH RIDGEVILLE AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into a Memorandum of Understanding with the cities of Avon and North Ridgeville to purchase a tactical armored vehicle for the newly formed ELCERT to respond to emergencies within the communities. Its purchase has been discussed at City Council meetings, budget meetings, and the Public Safety & Health Committee. The vehicle's cost is \$358,387, and each municipality share will be \$125,000 with a balance of \$16,613 collected to be used for maintenance and additional costs that arise. The armored vehicle has a life expectancy of 20 years.

Mrs. Fenderbosch stated that the armored vehicle will be housed in Avon, which is closer than the armored vehicle owned by the Lorain County SWAT. Whenever the armored vehicle in Lorain is needed, it takes approximately 45 minutes to arrive in Avon Lake.

Ms. Gentry previously stated that Avon Lake is a very safe community, however, it can take one situation to change that fact dramatically. This armored vehicle will enable the City to respond to incidents faster, and the City has decided to participate in this new SWAT group. Therefore, this purchase will enable ELCERT to proceed and keep its team safe.

Ordinance No. 24-25, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES FROM BRAMHALL

ENGINEERING AND SURVEYING CO. FOR WALKER ROAD PAVING PROJECT, PHASE 5, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Fenderbosch

No: None

Abstention: Arnold

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-25. This legislation will authorize the Mayor to enter into design services and preparation bidding documents with Bramhall Engineering and Surveying Co. for the Walker Road Paving Project, Phase 5, in the amount of \$90,712.

The scope of the paving project includes widening Walker Road by 11 feet, east of Miller Road to Moore Road, adding underground drains and other drainage that will extend the life of the new pavement surface and installing traffic control devices and pavement markings for the new bike lanes. The entire construction project is estimated to be \$1,429,718, less OPWC grant funding of \$400,000 and a loan for \$150,000, leaving a balance due by the City of \$879,718. The project cost is estimated to be \$1,247,294 with a construction contingency of \$113,390.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Abstention: Arnold

Motion carried.

Ordinance No. 24-25 adopted.

Ordinance No. 24-26, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF AVON LAKE, THE CITY OF SHEFFIELD LAKE, AND THE VILLAGE OF SHEFFIELD REGARDING SHARED JURISDICTIONAL AUTHORITY FOR ENFORCEMENT OF THE OHIO BUILDING CODE FOR PERMITTING AND INSPECTION OF IMPROVEMENTS AFFECTING STRUCTURES CONSTRUCTED, OR TO BE CONSTRUCTED, BY FORD MOTOR COMPANY, WHICH IS LOCATED IN MULTIPLE JURISDICTIONS, AND DECLARING AN EMERGENCY, was read by title only.

Ms. Gentry moved for suspension of the rule requiring three readings.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Ms. Gentry moved for passage of Ordinance No. 24-26. This legislation will authorize the Mayor to enter into a First Amendment to the Memorandum of Understanding with the City of Sheffield Lake and the Village of Sheffield for shared authority to enforce the Ohio Building Code and amend the fee structure for the scope of the project. The

three municipalities agreed to follow Avon Lake's fee structure and allow Ford Motor Company to file their plans in stages and assess the fees based on the entire project.

In response to Mrs. Fenderbosch, Law Director Ebert stated that the City of Avon Lake's inspector will conduct most of the inspections and will be reimbursed by the other communities.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Ordinance No. 24-26 adopted.

Ordinance No. 24-27, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF JONATHAN LISKOVEC TO THE POSITION OF PUBLIC WORKS DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Shahmir

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-27. This legislation will confirm the Mayor's appointment of Jonathan Liskovec to the position of Public Works Director, effective March 1, 2024, at a salary of \$119,000.

Mayor Spaetzel reviewed the hiring process for the Public Works Director:

- On December 4, 2023, the position was advertised on the City's website, electronic sign, social media (Facebook and LinkedIn), Chronicle Telegram, Cleveland.com, and the Ohio Municipal League for a minimum of 30 days.
- 51 resumes and applications were received, and every candidate was evaluated on their experience, knowledge, skills, and abilities.
- The list of qualified applicants was narrowed to six finalists; one candidate did not respond in time for consideration.
- Interviews were conducted by Mayor Spaetzel, Community Development Director Ted Esborn, and Chief Utilities Executive Rob Munro on January 24, 26, and 30 lasting approximately 90 minutes.
- The same questions were asked of every candidate with follow-up questions based upon the answers provided by the candidates.
- After the interviews concluded, the decision was unanimous.
- Mayor Spaetzel knew two candidates interviewed and knew some candidates who were not interviewed.

Significant factors considered in the selection process:

- Experience as a Public Works Director or Assistant Public Works Director in a similarly situated community and department.
- Experience working with labor unions and managing collective bargaining agreements.
- Public works environment and experience in different levels of service.
- Record of embracing technology, best practices, and excellent leadership skills.
- Experience handling snow removal and leaf pickup and managing projects including preparing bids and quotes.
- Experience managing parks, road maintenance, sidewalk improvements, lakeshore land maintenance, building maintenance, and urban forestry.
- Ability to communicate and work well with staff, elected officials, and residents.

Jonathan Liskovec was selected as the candidate based on the following reasons:

- He has been employed at the Bay Village Service Department since 2003. He began as a laborer, worked as a leadman for five years, and was selected as the Director of Public Service and Property in 2017.
- He is responsible for 35 employees and oversees street signs, signals, parks, wastewater, stormwater, building facilities, and vehicle fleets.
- He has over 20 years of experience in public service as a public works employee and has been a director for the last seven years.
- He is directly responsible for technical advances and procedural improvements that created efficiencies in operations.
- During his 20 years at Bay Village, his father-in-law, Gary Ebert, was the Law Director of Bay Village. Before Mr. Liskovec was appointed to the Director's position, an opinion on familial relationships was requested of the Ohio Ethics Commission.
- Bay Village received a legal opinion from the Ohio Ethics Commission dated April 19, 2017, that did not prohibit the son-in-law of the City Law Director from being hired as the Service Director.
- During the interview, Mr. Liskovec answered questions completely and in detail, displaying an in-depth knowledge of the topics. His references were verified and only positive comments were received.

Mayor Spaetzle answered Mr. Phillips' questions, as follows:

1. Mr. Reitz was not forced out, he retired.
2. The position was opened internally and externally, and Mr. Ward did not apply.

Mrs. Fenderbosch stated that she called the Ohio Ethics Commission and spoke with Chief Advisory Attorney Chris Woeste. Attorney Woeste stated that nepotism does not exist in this case because Mr. Liskovec does not reside with the Law Director. She spoke with the other interviewers, who said there were very strong candidates, but Mr. Liskovec rose to the top. He has implemented technology and has experience using the same asset

management system Avon Lake recently purchased. Avon Lake needs someone who has used GIS, and he has.

Mr. Shahmir stated that the notion of nepotism in any organization, especially in City government, can be a serious issue and could undermine fairness, merit-based advancement, and public trust. He met with Mr. Liskovec and was very impressed, but he has a problem with the process. Eleven days ago, he requested the opportunity to review all five resumes, the matrix by which the candidates were evaluated, and the final assessment. But he has not received the requested documents, which is why he will vote in opposition to this appointment. Clarity and transparency are critical. In the business community, nepotism is never accepted. Mr. Liskovec is very knowledgeable. However, if there is a venue where a law director and another director could potentially collude, especially in contractual issues, that could be problematic, although he did not question anyone's integrity.

Mr. Kos stated that he learned how public and open the hiring process was, and he found the 2017 opinion very helpful, as it settled the ethical issue. The Ohio Ethics Commission is the authority. If they say there was nothing unethical about this hiring, then he will support this appointment. Secondly, this is a mayoral appointment. The Mayor deserves his team to support him. It isn't a negative that the two have a past working relationship. That is a positive attribute, and they have worked successfully. If all the interviewers came to the same conclusion, then my part as a member of Council is to allow the Mayor to do the job he was elected to do. Therefore, he will support this appointment.

Mr. Zuber stated that he initially had concerns when he learned about the Mayor's selection. After learning about the selection process, he concluded that it was done correctly. The Mayor deserves to hire the people he desires. Mr. Liskovec is qualified for this position and will work for the same salary as the last Public Works Director. Law Director Ebert was not involved in the process.

Council President O'Donnell stated that Mayor Spaetzle completed due diligence through the interview process. Regarding ethics, the Ohio Ethics Commission has responded to this inquiry. Mr. Liskovec's qualifications have been stated, and he has experience. The proper steps were taken by the Mayor.

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

No: Shahmir

Motion carried.

Ordinance No. 24-27 adopted.

PUBLIC INPUT

1. Terry Robison, 450 Regatta Drive, Avon Lake, as Chair of the Tree Commission and a member of the Environmental Affairs Advisory Board (EAAB), addressed Council regarding EAAB's proposal to develop recommendations for educating residents on coyotes in Avon Lake. He agreed to return to Council for a work session.

2. Sam Naumann, 246 Fairfield Road, Avon Lake, Chair of EAAB, stated that the EAAB continues to provide due diligence and advisory to Council regarding the Power Plant redevelopment. The EAAB understood that sampling on the property was prohibited unless granted by Avon Lake Environmental Redevelopment Group. However, research was conducted by Board members, and confirmed by ODNR and the U.S. Army Corps of Engineers, that the sediment sampling can occur in the leased land area of the shoreline. The City has discussed the purchase of the green space, and the City would be eligible for sampling along the leased land. Therefore, the EAAB has requested Council engage with Verdantas to have them explore and advise on sediment sampling along the leased land area.

Mayor Spaetzel responded that the City has had those discussions with Verdantas and is moving in that direction.

Mr. Shahmir stated that there is a National Permit in the leased land area that allows the City to conduct sediment sampling, and this needs to be verified by Verdantas.

3. Gerald W. Phillips, 461 Windward Way, Avon Lake, asked Mayor Spaetzel why the Engineering Department was dismantled. He stated that he has worked with the Engineering Department for 18 years, and it was one of the best offices. Joe Reitz was always available to answer questions and was one of the best employees he encountered. Contrary to what was stated, Joe was forced out even though he left voluntarily. Mr. Phillips asked for a copy of the legal opinion from the Ohio Ethics Commission, along with the matrix, the 51 applications, interview notes, and emails, and stated that he intends to make a public records request to ensure the process was transparent. He stated that the Ohio Ethics Commission is not the final authority. Codified Ordinance Section 234.07, states, “no conflict of interest under the Ohio rules of professional conduct.” Mr. Liskovec has seven years of experience as a supervisor, and he meets the requirement of a minimum of five years. How many of the other applicants have more than seven years of experience as a director? He questioned a document that stated Mr. Liskovec was an “interim” director and will obtain his employment file at Bay Village to obtain copies of his employment file. If his file is okay, he will return and say it was a good decision.
4. William Zimmerman, 241 Moorewood Avenue, Avon Lake, voiced his objection regarding the Human Resources Committee meeting held earlier. During the meeting, the Committee went into Executive Session, and when they reconvened into Open Session, the public was never called back.¹ He chastised Council for violating his civil rights and stated they were derelict in their duty. He asked for a copy of the City’s master plan and stated that the City has been overdeveloped, as evidenced by the deer and coyote population. He voiced his objections to the hiring of the Public Works Director and the purchase of an armored vehicle.

¹ Two members of the public were waiting in a conference room for the open session to reconvene.

Mrs. Fenderbosch explained to Mr. Zimmerman that the City has a Comprehensive Land Use Plan and a copy can be given to him. She informed Mr. Phillips that the opinion she received was from Chief Advisory Attorney Woeste of the Ohio Ethics Commission, and it was not her opinion. A copy will also be given to him.

Mayor Spaetzel responded to Mr. Phillips' question regarding dismantling the Engineering Department. He stated that several engineers quit after Mr. Reitz retired, and the City will be working to re-establish the Engineering Department and hire an in-house engineer and staff. Also, Mr. Liskovec is the Service Director and not the "interim" Service Director, as Mr. Phillips stated.

MISCELLANEOUS ANNOUNCEMENTS

Mr. Shahmir announced that the next *Environmentally Speaking* series will be held on Tuesday, February 13th at 7 p.m. at the Avon Lake Public Library. The topic is *Stormwater* and its effects on Lake Erie.

Mrs. Fenderbosch moved for adjournment.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Adjournment: 8:38 p.m.

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

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