The rescheduled meeting of the Avon Lake Municipal Council was called to order on October 15, 2019 at 7:30 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, Eileen Campo, Jennifer Fenderbosch, David Kos, Marty O'Donnell, K. C. Zuber; Mayor Zilka; Law Director Abe Lieberman; Finance Director Steve Presley; Public Works Director Joe Reitz; and Clerk of Council Valerie Rosmarin.

Absent: Rob James.

CORRESPONDENCE

A letter from H.R. Kopf of Kopf Builders was received requesting Council suspend the rules for three readings on an emergency basis for Temporary Legislation No. 11316, approving the improvement plans for South Port Subdivision No. 1.

APPROVAL OF MINUTES

The minutes of the September 9, 2019 and September 23, 2019 Council Meetings were approved as prepared and published.

PRESENTATION OF AWARD

Jake Altman, the Northeast Regional Liaison for State Auditor Keith Faber, presented Finance Director Presley with the Ohio Auditor of State Award with Distinction. Less than 4% of the 6,000 entities in Ohio earn this distinction. Avon Lake has achieved this status for the fifth consecutive year. This award is a testament of the fiscal protection and accountability of City employees and acknowledges their professionalism under the leadership of Finance Director Presley.

MAYOR'S REPORT

Residents have voiced their concerns about crosswalk safety at Learwood Middle School, the corner of Gedeohn Avenue and Lear Road, and Eastview School. A meeting will be scheduled with the administration at Learwood School and residents who have asked the City to install flashing crosswalk signs. These flashing crosswalk signs indicate to drivers that someone is attempting to cross the street. It is imperative
that all parties involved, the driver and the individual using the crosswalk, understand how the process works.

The following fundraisers were held October 15th:

- **Determined to Develop (DTD)** - an organization helping kids attend high school in Malawi, Africa. Matt Maroon, an Avon Lake resident and high school graduate, started this organization after volunteering in Malawi where he learned that many children could not afford to attend high school. Since 2009, DTD has helped over 1,500 attend high school.

- **Empty Bowls** - local potters, crafters, and students created handcrafted bowls. Guests were invited to sample a variety of 27 soups donated from local restaurants. All cash donations supported Community Resource Services.

A fundraiser for “Love-a-Stray” will be held Sunday, October 27th, at The Anchor. Love-a-Stray helps homeless animals find their forever homes.

**COUNCIL PRESIDENT’S REPORT**

The next Collective Committee Meeting will be held Monday, October 21st at 7:30 p.m.

The next regular Council Meeting will be held Monday, October 28th at 7:30 p.m.

The 2020 Budget Meeting will be held Saturday, November 9th from 8 a.m. to 12 noon in the Public Works Conference Room.

**PUBLIC WORKS DIRECTOR’S REPORT**

The Public Works Department personnel have begun leaf collection for the 2019 season. As the season progresses, a schedule will be posted online informing residents when leaves will be collected on their street.

**LAW DIRECTOR’S REPORT**

The Law Director’s litigation update was electronically distributed prior to the Council Meeting.

**FINANCE DIRECTOR’S REPORT**

The City’s general liability and property insurance expires November 1st. The Finance Director is in negotiations with the current insurance agent to obtain a renewal policy. As soon as the rates have been determined, Council will be provided with those figures. A request for suspension of the rules for three readings and emergency passage on October 28th may occur. If the rates are finalized after November 1st, the Finance Director will request ratification of the contract.
NATURAL RESOURCES, ENVIRONMENTAL & PUBLIC MEDIA COMMITTEE

The following are the deer statistics for the month of September:

- Auto/deer accidents - none; the total for the year is five. The goal of the Deer Management Plan is less than 10 per year.

- Deer carcass pickups - two; the total for the year is nine. The goal of the Deer Management Plan is less than 20 per year.

Based on the totals to date, the City’s culling program has helped to achieve the goals outlined in the Deer Management Plan.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the following items discussed at the Human Resources Committee meeting on October 15th:

(1) amendment to Codified Ordinances Section 260.02, Vacations. Due to arbitration by the collective bargaining unit, the Human Resources Director recommended that the vacation provision be amended to provide non-bargaining employees with the same provision as the collective bargaining unit.

(2) amendment to Codified Ordinances Section 260.07, Uniform Allowance. The Fire Chief recommended increasing the uniform allowance of the non-bargaining position of Fire Department Secretary/Dispatcher from $750 per year to $950 per year, which will provide the same benefit as the collective bargaining unit; and

(3) a timeline was established for the replacement of the Human Resources Director, due to retire December 31st. A total of 20 applications were received. After vetting all applications, the qualified individuals will be interviewed the last week in October.

SAFETY COMMITTEE REPORT

The previously scheduled Safety Committee meeting for Wednesday, October 16th was cancelled. The Safety Committee had planned to discuss the traffic study of Redwood Boulevard and S. R. 83 at that meeting. Due to the cancellation, it will be discussed at the Public Service Committee meeting on Monday, October 28th at 6:00 p.m.

SEWER COMMITTEE REPORT

The next meeting of the Sewer Committee will be held on Thursday, November 14th at 6:30 p.m. in the Public Works Conference Room.
**ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Arnold reported on the following items discussed at the Economic Development Committee meeting on October 7th: the potential development of Miller Road Park and the CRA Tax Abatement Agreement revision and renewal.

The Economic Development Committee will seek public input on developing Miller Road Park in the near future.

The next meeting of the Economic Development Committee will be held Monday, November 4th at 6:30 p.m. in the Public Works Conference Room.

**PLANNING COMMISSION REPORT**

The next meeting of Planning Commission will be held Tuesday, November 5th at 7:30 p.m. in the Council Chamber.

**ZONING BOARD OF APPEALS REPORT**

The next meeting of the Zoning Board of Appeals will be held Wednesday, October 23rd at 7:00 in the Council Chamber.

**MOTIONS**

Mr. O'Donnell moved to rescind the Avon Lake Procurement Policies & Procedures dated June 27, 2011. Due to the recent amendments to the City Charter, the Law Director recommended rescinding the procurement policies.

Law Director Lieberman stated that the City had three documents governing the procurement of goods and services; namely, the City Charter which specifies bid requirements, the City Codified Ordinances, and the City’s Procurement Policy adopted by Council motion in 2011. After reviewing these documents, Law Director Lieberman noted a number of conflicts and inconsistencies and determined that it was unnecessary to have three resources for procedures on the purchase of goods and services. Should any amendments be necessary, then the City’s Codified Ordinances would be modified. Therefore, the City’s procurement policies and procedures should be rescinded.

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

Mrs. Fenderbosch moved to accept the donation of 12 bike safety signs. Resident Dick Stack donated bike safety signs which he obtained from Bike Cleveland. These signs request drivers to stay three feet from cyclists and have been placed throughout Avon Lake.
Mr. O'Donnell noted that a committee would be formed to address bike safety, bike lanes, bike paths in our community.

Mayor Zilka acknowledged the loss of resident and Planning Commission Chair Randy Knilans. Randy was hit and killed by a motorist while cycling on Lake Road. That tragic event occurred two weeks after another cyclist from Bay Village was hit and seriously injured by a motorist at the intersection of Lake Road and Moore Road.

Mr. Kos reported that a communitywide meeting will be scheduled on this issue and Jacob VanSickle of Bike Cleveland and other bike organizations in Northeast Ohio will be invited. The purpose of the meeting is to gather information on what the City can do to improve the current bike lanes to make them safer, more user friendly, and to plan for interconnectivity with other communities.

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

Mrs. Fenderbosch moved to confirm the recommendation of the Planning Commission to Council that a conditional use permit be issued to allow Tuscan Village Condominium to be developed and maintained as a senior citizen housing development in the B1 Limited Business District north of Learwood Shopping Center and south of Independence Village, provided that, prior to the transfer of title to the first condominium unit, the Declaration of Condominium Ownership and By-Laws in the forms submitted to the Law Director, Public Works Director, Mayor, and Zoning Administrator on October 3, 2019, and acceptable to them is filed for record with the Lorain County Recorder’s Office.

This housing development will consist of 60 units on private streets within walking distance to Learwood Shopping Center and will be occupied by residents 55 years of age and over. It will be completed in three phases.

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

Mrs. Fenderbosch moved to apply a credit to development fees of South Port Subdivision No. 1 for the cost to enclose Gable Ditch. The developer has agreed to enclose 190 feet of the Gable Ditch in exchange for a credit on development fees.

Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch  
No: None  
Absent: James  
Motion carried.
LEGISLATION

Third Reading:

TEMPORARY LEGISLATION #11302, AN ORDINANCE ADOPTING THE HOMEOWNERS ASSOCIATION STREET TREE PROGRAM, was read by title only.

Mrs. Fenderbosch moved for passage of Temporary Legislation #11302. This legislation will establish a policy for homeowners associations for planting trees on streets within HOA developments.

Yes: Kos, O’Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.

Ordinance No. 111-2019 adopted.

Second Readings:

Temporary Legislation #11306, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SENIOR OPERATOR AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for Senior Operator in Avon Lake Regional Water. The Senior Operator will be the highest level union position and the positions of Operations Supervisor and Chief Operator may be consolidated and incorporated into this position in the future. Since there is a limited pool of candidates in Ohio that possess the credentials required for the position, ALRW hopes to establish a standard to attract and employ operators with these qualifications.

Temporary Legislation #11307, AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE RELATED TO THE DEER MANAGEMENT PLAN, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Kos, O’Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.

Mrs. Campo moved for passage of Temporary Legislation #11307. This legislation will authorize a cooperative agreement with the U.S. Department of Agriculture to cull white-tailed deer at cost not to exceed $34,347 in support of the City’s Deer Management
Plan. The goal of the Deer Management Plan is to reduce the population of deer in Avon Lake and to reduce deer/motor vehicle accidents and deer carcass pickups by the Public Works Department for public safety.

Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.
**Ordinance No. 112-2019 adopted.**

Temporary Legislation #11309, AN ORDINANCE APPROVING A 12-MONTH EXTENSION OF TIME FOR SUBMISSION OF AN APPLICATION TO PLANNING COMMISSION FOR PLAT REVIEW FOR SOUTH PORT SUBDIVISION, was read by title only.

This legislation will approve an extension of 12 months for the approval of the preliminary plan for a single family subdivision on the south side of Walker Road, east of Lear Road. Prior to the submission of preliminary plans, environmental issues must be resolved.

**First Readings:**

Temporary Legislation #11310, A RESOLUTION RENEWING AND DESCRIBING THE BOUNDARIES OF A COMMUNITY REINVESTMENT AREA, AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Arnold moved for passage of Temporary Legislation #11310. This legislation will renew the tax abatement agreement and will remove the requirement of an annual fee to the City and the mandate that the applicant join the local Chamber of Commerce. Since the City has never collected any fees or verified that the applicant joined the Chamber of Commerce, it was decided to remove these requirements retroactive to January 2006, the date of the earliest abatement currently in effect.

Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.
**Ordinance No. 113-2019 adopted.**
Temporary Legislation #11311, AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #11311. This legislation will transfer the amount of $998,557.91 for the necessary expenditures of the City as determined by the Finance Director in the months of October, November, and December.

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

**Ordinance No. 114-2019 adopted.**

Temporary Legislation #11312, AN ORDINANCE AWARDING A CONTRACT TO WARWICK COMMUNICATIONS, INC. FOR THE INSTALLATION, TRAINING, MAINTENANCE, AND PURCHASE OF TELEPHONE EQUIPMENT IN CERTAIN MUNICIPAL BUILDINGS, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will award a contract for a new telephone system for the City to Warwick Communications, Inc. of Cleveland, Ohio in the amount of $77,251.58.

Temporary Legislation #11313, A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

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

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

Mr. O'Donnell moved for passage of Temporary Legislation #11313. This legislation will accept the tax rates for 2020 as determined by the Lorain County Budget Commission based on the estimate provided by the County Auditor.
Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.
**Ordinance No. 115-2019 adopted.**

Temporary Legislation #11314, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED GENERAL FEE SCHEDULE, was read by title only.

This legislation will amend the Fee Schedule to establish a fee for rental of the gazebo at Veterans Memorial Park.

Temporary Legislation #11315, AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE FORD INTERCEPTOR SUVS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Kos moved for passage of Temporary Legislation #11315. This legislation will authorize the purchase of three Ford Interceptor SUV vehicles for the Police Department from Lebanon Ford of Lebanon, Ohio in the amount of $98,679. This purchase was budgeted for the Police Department in the fiscal year 2019.

Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.
**Ordinance No. 116-2019 adopted.**

Temporary Legislation #11316, AN ORDINANCE APPROVING THE IMPROVEMENT PLANS FOR SOUTH PORT SUBDIVISION NO. 1, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Kos, O'Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.
Mrs. Fenderbosch moved for passage of Temporary Legislation #11316. This legislation will approve the improvement plans for South Port Subdivision No. 1, east of Lear Road, west of Treeside Lane on the south side of Walker Road, consisting of 33 single family lots within an R-1 Single Family Residential Zoning District and approved by Planning Commission on October 1st.

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

**Ordinance No. 117-2019 adopted.**

Temporary Legislation #11317, AN ORDINANCE ADOPTING THE 2019 COMPREHENSIVE LAND USE PLAN FOR THE CITY OF AVON LAKE, was read by title only.

This legislation will adopt the 2019 Comprehensive Land Use Plan prepared by OHM Advisors of Columbus, Ohio. OHM Advisors were contracted to prepare an update of the land use plan of 1995. A group of community and industry members were selected by the Administration as the Steering Committee to assist in the update process.

OHM Advisors attended a variety of public events and gathered input from residents on what and where they would like to see developed or re-developed. After compiling the information, a plan was formulated. The implementation phase will begin after passage of this plan. Since the City is 85% built, this plan focuses on trends across the country, ways to attract people to Avon Lake to keep the community growing, and the financial and self-sustaining means to provide all the services the community desires.

**MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS**

The organizers of the Summer Market announced that they will no longer hold this event in Avon Lake. A new location has not been determined.

Boo by the Woods and the Trail of Haunted Tales will be held Saturday, October 19th. Tickets for the Trail of Haunted Tales are sold out; however, there are additional free activities offered at the library. The temperature forecast will be seasonally high. The ticketed event starts at 4 p.m. and Boo by the Woods starts at 5 p.m. to 9 p.m.

Leaf pick up began Monday, October 14th and will continue until the end of December, weather permitting. Kimble will continue to pick up bagged yard waste through December 31st and the City will continue with curbside branch pickup through November 1st.
PUBLIC INPUT

Richard Stack, 574 Bay Hill Drive, Avon Lake, addressed Council on the bike safety signs he donated to the City. These temporary signs inform motorists of the new three foot rule in the State of Ohio and he requested the City consider placing permanent signs throughout the City. Also, Mr. Stack noted that Lake Road is an important route to the cycling community and is internationally recognized as a part of the northern tier route of the United States.

Jim Jewitt, 29700 Wolf Road, Bay Village, addressed Council about bike safety and presented a copy of his observations for the cycling meeting to Mr. Kos.

Mrs. Fenderbosch moved for adjournment.

Yes: Kos, O’Donnell, Zuber, Arnold, Campo, Fenderbosch
No: None
Absent: James
Motion carried.

Adjournment: 8:25 P.M.

Approved: Martin O'Donnell
Council President

Attest: Valerie E. Rosmarin
Clerk of Council