MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
APRIL 8, 2019

The regular scheduled meeting of the Avon Lake Municipal Council was called to order
on April 8, 2019 at 7:30 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, Eileen Campo, Jennifer Fenderbosch, Rob
James, 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.

APPROVAL OF MINUTES

The minutes of the March 25, 2019 Council meeting were approved as prepared and
published.

APPOINTMENT OF A POLICE OFFICER

Temporary Legislation #11246, AN ORDINANCE CONFIRMING THE APPOINTMENT
OF JARROD NIGHSWANDER TO THE POSITION OF POLICE OFFICER IN THE
POLICE DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Temporary Legislation #11246.  This legislation will
confirm the appointment of Mr. Nighswander to the position of Police Officer effective
April 30th at the Step 2 bi-weekly rate of $2,376.88.

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

Ordinance No. 43-2019 adopted.

Law Director Lieberman administered the Oath of Office to Mr. Nighswander.
PROCLAMATION

Mayor Zilka presented a proclamation on behalf of National Community College Month to Jennifer Judkins as Strategic & Institutional Developer at Lorain County Community College.

CORRESPONDENCE

Mayor Zilka received communication from James Motz resigning from the Zoning Board of Appeals.

MAYOR’S REPORT

Mayor Zilka and Economic Development Director Esborn visited the Great Lakes Innovation & Development Enterprise (GLIDE) at Lorain County Community College. GLIDE is a comprehensive regional innovation center that supports all facets of the start up, development, and growth of enterprises.

The Finance Department received a Certificate of Excellence in Financial Reporting from the Governmental Financial Officers Association. Two proclamations congratulating the Finance Director and his staff were received from Senator Nathan Manning and State Representative Gayle Manning.

The Avon Lake Business Expo is April 25th at the Towne Center, Main Street Campus, 500 Community Drive between 2 p.m. to 4 p.m. This event highlights the services various businesses in Avon Lake provide the community.

COUNCIL PRESIDENT’S REPORT

The next Collective Committee Meeting will be held Monday, April 15th at 7:30 p.m. followed by the rescheduled Council Meeting.

Due to the Easter holiday, Council will not meet on Monday, April 22nd.

Due to April 29th being the fifth Monday, Council will not meet.

As of today’s date, 738 homes have been registered for the Do Not Knock Registry. Residents can register online at www.avonlake.org or at City Hall, 150 Avon Belden Road, Monday through Friday from 8 a.m. to 4:30 p.m.

PUBLIC WORKS DIRECTOR’S REPORT

The Public Works Department weekly update was distributed.

The Public Works Department has received inquiries regarding the opening of the boat launch at Miller Road Park. The dredging process to prepare the boat launch for the
public will begin soon. The public has been instructed to go to the City website for further information.

In response to Mr. O'Donnell, Public Works Director explained how the bulk collection will be conducted in the new contract. All residents receive one bulk collection per month any week they desire. No advance notice is necessary. Residents are instructed to place the bulk collection items on the tree lawn. There is no charge for this once per month collection. Charges are impose only when residents have more than one bulk collection per month.

Republic Services will conduct a final collection of their carts this week. If any carts remain, residents are requested to call the Public Works Department.

**LAW DIRECTOR’S REPORT**

The Law Director’s litigation update was distributed.

**NATURAL RESOURCES, ENVIRONMENTAL & PUBLIC MEDIA COMMITTEE REPORT**

The next Natural Resources, Environmental & Public Media Committee meeting will be held Wednesday, April 10th at 6:30 p.m. at the Public Works Conference Room.

**FINANCE COMMITTEE REPORT**

The next Finance Committee meeting will be held Monday, April 15th at 6:00 p.m. at the Public Works Conference Room.

**HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the following items discussed at the Human Resources Committee meeting on March 25th: the job description and pay rate for the Finance Receptionist/Assistant Clerk of Council; the appointment of the Public Works Department Administrative Assistant; the amendment to Codified Ordinance Section 278.05 Unclassified Positions; the job description of the Technical Support Specialist; the appointment of a Police Officer; the promotion of a Deputy Clerk in the Municipal Court to the position of Chief Deputy Clerk; the pay range for a Pool Manager and an Aquatic Manager; and an increase in the salary of the Avon Lake Municipal Utilities Board.

**SAFETY COMMITTEE REPORT**

Mr. Kos reported that the Safety Committee met on March 27th and recommended unanimously three items at that meeting which will be presented for first reading tonight.
SEWER COMMITTEE REPORT

Mrs. Fenderbosch reported on the Sewer Separation Lateral Project. As of today’s date, there are four property owners in Group A (April 30th deadline) who have not responded. In Group B and C (June 30th deadline), there are 141 property owners who need to comply.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the Economic Development Committee meeting on April 1st. The following items were discussed: the condition of and the plan to demolish the Smith & Smith Building in 2020; the Jobs Growth Incentive Award program; the request by the organizers of the Summer Market (to be held July 27th) to delay construction of the gazebo in Veterans Memorial Park until after the event has concluded.

In response to Mr. Arnold, Mr. Kos recommended Council defer discussion on when construction will begin on the gazebo until Public Works Director Reitz has obtained quotes from contractors along with a schedule. It was noted that some of the vendors will donate some goods and services to the City.

Public Works Director Reitz stated that the revised foundation plans have been prepared and were submitted to the Building Department to modify the permit.

PLANNING COMMISSION

Mrs. Fenderbosch reported on the Planning Commission Work Session on April 2nd. At the Work Session, a developer presented the concept to build a senior housing development, north of the Giant Eagle shopping center. Unfortunately, that location is zoned as a B-1 Limited Business District and does not allow Planned Unit Development (PUD). If the area is rezoned to an R-2 Residence District, then a PUD could be developed. However, the owner of the shopping center does not support this type of rezoning. The developer may return to the Planning Commission with a revised proposal.

ZONING BOARD OF APPEALS

Mayor Zilka reported on the results of the Zoning Board of Appeals meeting on March 27th. A variance was granted for the number of parking spaces required at 684 Avon Belden Road and a variance to the building setback for principal uses to construct an addition at 247 Jaycox Road.

MOTIONS

Mr. O’Donnell moved to permit Mr. Arnold to be excused from voting on Temporary Legislation #11231 pursuant to Codified Ordinance 220.19(b). The legislation involves a business client of Mr. Arnold; therefore, he has a conflict of interest.
Mr. James moved to authorize the Public Works Director to advertise for bids for the 2019 Concrete Street Program Part II. Budgeted funds will be reappropriated and will allow additional concrete street work to be completed in 2019. Therefore, a request for bids needs to be advertised.

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

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating that the City of Avon Lakes does not request a hearing in the matter of a liquor license transfer for Zinsmeister Family Business LLC dba The Breakwall Food & Spirits from 153 Lear Road & Patio to 33382 Walker Road. Chief Streator reviewed this request to transfer a liquor license and does not have any reason to request a hearing.

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

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control indicating that the City of Avon Lakes does not request a hearing in the matter of a new liquor license for Gittas Table LLC dba Gittas Table & Wine Shop, 32457 Lake Road. Chief Streator reviewed this request for a new liquor license and does not have any reason to request a hearing.

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

**LEGISLATION**

Mr. Zuber moved to add Temporary Legislation #11250 to the agenda.

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

Temporary Legislation #11231, AN ORDINANCE AWARDING A CONTRACT FOR THE 2019 CONCRETE STREET PROGRAM, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for passage of Temporary Legislation #11231. This legislation will award a contract for the 2019 Concrete Street Program to Concrete & More of Avon Lake, Ohio in the amount of $757,339.

Yes: Campo, Fenderbosch, James, Kos, O'Donnell, Zuber
No: None
Abstention: Arnold
Motion carried.
Ordinance No. 40-2019 adopted.

Second Reading:

Temporary Legislation #11239, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 278 CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Temporary Legislation #11239. This legislation will amend Codified Ordinance Section 278.05 Unclassified Positions to allow the Public Works Director to have two unclassified administrative assistants, f/k/a secretaries, to the Public Works Department. The Civil Service Commission has reviewed and recommended this amendment.

Yes: Arnold, Fenderbosch, Kos, O'Donnell, Zuber
No: Campo, James
Motion carried.
Ordinance No. 41-2019 adopted.

First Readings:

TEMPORARY LEGISLATION #11241, AN ORDINANCE AWARDING A CONTRACT TO RESURFACE THE TENNIS COURTS AT BLESER PARK, AND DECLARING AN EMERGENCY, was read by title only.
This legislation will award a contract to resurface the tennis courts at Bleser Park to Industrial Surface Sealer of Cleveland, Ohio in the amount of $22,940.

TEMPORARY LEGISLATION #11242, A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2019, AND DECLARING AN EMERGENCY, was read by title only.

Mr. James moved for suspension of the rules requiring three readings.

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

Mr. James moved for passage of Temporary Legislation #11242. This legislation will authorize the City to participate in the ODOT annual road salt contract for 2019.

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

**Ordinance No. 42-2019 adopted.**

TEMPORARY LEGISLATION #11243, AN ORDINANCE AMENDING DIVISION (d) OF SECTION 618.13 OF THE CODIFIED ORDINANCES TO INCREASE THE PENALTIES FOR SUBSEQUENT VIOLATIONS, was read by title only.

This legislation will amend Codified Ordinance Section 618.13(d) by increasing the penalty imposed on violators who feed wildlife in the City, which is prohibited. The Police Department has issued citations on repeat violators and recommended the increase in penalties.

TEMPORARY LEGISLATION #11244, AN ORDINANCE AUTHORIZING PAYMENT TO THE LORAIN COUNTY COMMISSIONERS FOR THE 2019 MAINTENANCE COSTS OF THE NEW WORLD COUNTYWIDE CAD/RECORDS MANAGEMENT SYSTEM, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Finance Director to pay the 2019 maintenance costs for the New World Countywide Computer Aided Dispatch/Records Management System in the amount of $16,239.69. This system provides the City with access to the County 911 system through data transmissions to coordinate dispatch and deliver emergency services.

TEMPORARY LEGISLATION #11245, A RESOLUTION IN SUPPORT OF THE SEAT BELT PILOT PROGRAM FOR AVON LAKE CITY SCHOOL DISTRICT BUSES, was read by title only.
This legislation will support the efforts of the Avon Lake School Board to establish a seatbelt pilot program. Seat belts will be installed in two new school buses ordered for the 2019/2020 school year. Through this pilot program, Avon Lake will become the second community in the State of Ohio to install seatbelts on school buses.

TEMPORARY LEGISLATION #11247, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A CHIEF DEPUTY CLERK IN THE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Temporary Legislation #11247. This legislation will confirm the appointment of Michelle Miller to the position of Chief Deputy Clerk at the annual salary of $43,680 effective April 1, 2019. Mrs. Miller has been employed as a Deputy Clerk in the Municipal Court for the past three years.

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

Ordinance No. 44-2019 adopted.

TEMPORARY LEGISLATION #11248, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE RECEIVING/ASSISTANT CLERK OF COUNCIL AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the position of Finance Receptionist/Assistant Clerk of Council. After a vacancy occurred in the Assistant Clerk of Council position, the Finance Receptionist and Assistant Clerk of Council, both part-time positions, merged into a full-time position.

TEMPORARY LEGISLATION #11249, AN ORDINANCE APPROVING A WAGE INCREASE FOR PRISCILLA SHUTIC, FINANCE RECEIVING/ASSISTANT CLERK OF COUNCIL, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve a wage increase for Priscilla Shutic, Finance Receptionist/Assistant Clerk of Council. When Mrs. Shutic was hired in the merged, full-time position, her wage was not evaluated; therefore, she continued to earn a part-time wage. This increase will align her salary with other full-time staff.
TEMPORARY LEGISLATION #11250, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRIANNE DAVALA AS ADMINISTRATIVE ASSISTANT IN THE PUBLIC WORKS DEPARTMENT, AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Zuber moved for passage of Temporary Legislation #11250. This legislation will confirm the appointment of Brianne Davala as Administrative Assistant in the Public Works Department at the Step 1 rate of $20.49 effective April 16, 2019.

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

**Ordinance No. 45-2019 adopted.**

Mrs. Fenderbosch moved for adjournment.

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

Adjournment:  8:55 P.M.

Approved:  Martin E. O'Donnell  
Council President  

Attest:  Valerie E. Rosmarin 
Clerk of Council