

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JANUARY 22, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on January 22, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Mrs. Fenderbosch led the Council, staff, and 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 Council Meetings on December 11, 2023, and December 18, 2023, were approved as amended and published.

CORRESPONDENCE

The following correspondence was received:

1. Barry Edelstein of Kopf Builders requested Council suspend the rule for three readings on Ordinance 24-14.
2. Rob James, Chair of the Charter Review Commission, acknowledged the results of the regular election wherein the residents approved amendments to Charter Sections 12 and 20 by a margin of 66.62% to 33.38% and confirmed that the terms of the Charter Review Commission members expired on January 17, 2024.

MAYOR'S REPORT

Mayor Spaetzel congratulated Councilwoman Jennifer Fenderbosch on her re-appointment to the Keep Lorain County Beautiful Board through December 31, 2026, and acknowledged the efforts of the Public Works Department staff to stay ahead of the snow event last Friday (January 19) to keep the roads safe for the public.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell reported that next Monday, January 29, 2024, will be the fifth Monday of the month, and Council will not meet. The next Collective Committee Meeting will be held on Monday, February 5, 2024, at 7 p.m. The next Council Meeting will be held on Monday, February 12, 2024, at 7 p.m.

Applications to nominate the 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.

FINANCE DIRECTOR COMMITTEE REPORT

Finance Director Widman reported that the Lorain County Auditor and Treasurer informed all subdivisions in the County that they will switch to electronic transactions and will not issue revenues by check. Therefore, Ordinance No. 24-16 will be presented at this meeting to designate the Finance Director as the individual handling electronic transactions.

COMMUNICATIONS, ENVIRONMENTAL & RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported on the utilization of the Avon Lake Engage App to track and report coyote sightings. The Digital Media Commission and the Environmental Affairs Advisory Board will work together to develop maps of where coyotes are encroaching. Then the City will focus on those zones and develop an effective solution.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Monday, February 5, 2024, in the Council Chamber at a time to be determined and based on the Budget meeting held before the meeting.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, February 12, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SAFETY & HEALTH COMMITTEE REPORT

Mr. Kos reported on the meeting of the Public Safety & Health Committee held on January 17, 2024. The following items were discussed:

1. Amendments to the smoking ordinances to include marijuana.
2. Tactical Emergency Medical Services (TEMS) training with MetroHealth for the Eastern Lorain County Emergency Response Team (ELCERT).
3. Path Master Gate and traffic light control issues; and
4. Lenco Bearcat[®] Memorandum of Understanding for a tactical vehicle that will be utilized by the ELCERT.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported that on January 19 the State announced a non-matching grant program for municipalities to purchase equipment upgrades up to \$75,000 to prevent the

over-application of salt. Since the grant application deadline is January 31, Resolution No. 24-19 will be added to the agenda.

The attorney for the Lorain County Trash Consortium, which consists of 13 communities, prepared and advertised the trash bid, and Kimble Recycling and Waste was the best and lowest bid for the City of Avon Lake. The bid included 32-, 64-, and 96-gallon solid waste containers and a 96-gallon yard waste container. Residents can either use paper bags for yard waste or their personal container that is identified as yard waste. The 96-gallon yard waste container is automated and additional paper bags will also be collected with the yard waste container of choice.

The proposed contract fees/details are:

- 96-gallon solid waste container, 64-gallon recyclable container, paper bags for yard waste (or personal yard waste container) - \$81.42 per quarter. If a resident opts in for a 96-gallon automated yard waste container, they will save \$0.78 or \$80.65 per quarter.
- 64-gallon solid waste container, 64-gallon recyclable container, paper bags for yard waste (or personal yard waste container) - \$74.40 per quarter. If a resident opts in for a 96-gallon automated yard waste container, they will save \$0.78 or \$73.62 per quarter.
- 32-gallon solid waste container, 64-gallon recyclable container, paper bags for yard waste (or personal yard waste container) - \$68.07 per quarter. If a resident opts in for a 96-gallon automated yard waste container, they will save \$0.78 or \$67.29 per quarter.
- Bulk pickup will be collected once a month without a fee; however, additional fees will be assessed based on the size of items collected, such as a sofa, mattress, etc. A chart identifying these fees is available.
- The City will receive trash containers for six events per year, plus the Solar Eclipse event.

Residents have 90 days to select the size of the solid waste containers. After 90 days, Kimble will charge residents if they choose to downsize or vice versa.

The next meeting of the Public Service Committee will be held on Tuesday, February 13, 2024, at 6 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

Mrs. Fenderbosch reported that interviews were conducted with applicants interested in filling the Planning Commission vacancy.

The next meeting of the Planning Commission will be held on Tuesday, February 6, 2024, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that three of the Tree Commission members are completing their Junior Year with the Ohio Division of Forestry, and their last class and exams will be held on Thursday, January 25, 2024. Once completed, the Commission will share what they have learned with the Public Works Department and the Community.

The next meeting of the Tree Commission will be held on Wednesday, February 14, 2024, at 7 p.m. at the Old Firehouse.

AUDIENCE PARTICIPATION

- Garth Peterson, 156 Curtis Drive, Avon Lake, asked Council about Kimble's efforts with trash composting and if services will be provided during the Solar Eclipse Event. Regarding the prohibition of smoking marijuana, he noted that throwing a lit cigarette into mulch can cause a fire and questioned the City's emergency preparedness and the City response time during times of cell service outages, which was recently experienced by residents who use Verizon services.

Mrs. Fenderbosch responded that Kimble has an Ohio EPA-certified compost site, and the City has a composter behind the Public Work Department garages that grinds tree branches and leaves into mulch.

Assistant Public Works Director Darwin Ward stated that there are collection bins provided by Rustbelt Riders of Cleveland at the Public Works Department. For a minimum fee, Rustbelt Riders will collect food waste from their subscribers regularly.

- William Zimmerman, 241 Moorewood Avenue, Avon Lake, voiced his opposition to Ordinance No. 24-13, regarding the City's participation in the Eastern Lorain County Emergency Response Team (ELCERT) and the City's need to jointly purchase an armored vehicle at the cost of \$125,000.
- Gerald Phillips, 461 Windward Way, Avon Lake, asked when the 90-day period to select trash and recycle containers begins and if residents can mix and match the container sizes. Also, he questioned if the Planning Commission vacancy is still open.

Mrs. Fenderbosch responded that the Planning Commission vacancy was advertised and interviews of interested candidates were conducted last week. She explained that residents can use a plastic container identified as yard waste or paper bags if they would like, but they will only receive a reduction in costs, per quarter, if they use Kimble's 96-gallon automatic yard waste container.

MOTIONS

Mrs. Fenderbosch moved to authorize the appointment of Jeffrey Leitch to the Planning Commission for a five-year term commencing January 23, 2024, and expiring December 31, 2028. Four applications were received, and three candidates were interviewed. Of the three, one withdrew his name from consideration after the interview. The interview panel selected Mr. Leitch as the most qualified candidate, and Mrs. Fenderbosch reviewed his resume and qualifications.

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

No: None

Motion carried.

Mr. Shahmir moved to authorize the appointment of Malachi Witt and Amy Oliver as resident members of the Environmental Affairs Advisory Board for two-year terms commencing January 23, 2024, and expiring December 31, 2025.

Sam Naumann, 246 Fairfield Road, Avon Lake, addressed Council as a resident and Chair of the Environmental Affairs Advisory Board (EAAB) about the interview and selection process of Mr. Witt and Mrs. Oliver. He stated that one resident member vacancy existed due to Mr. Shahmir being elected as Council Ward I representative and one industry member has been vacant for a while. Four candidates were interviewed and two were very passionate. Law Director Ebert was consulted about the selection process and the EAAB's desire to appoint two resident members. Codified Ordinance Section 274 permits the EAAB to have up to 14 residential and industrial members. Therefore, two vacancies exist, and two residents can be appointed.

Mr. Shahmir stated that he observed the interviews, and he agreed that both candidates are strong and very passionate about environmental initiatives in the City.

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

No: None

Motion carried.

LEGISLATION

Mrs. Fenderbosch moved to add Resolution No. 24-20 regarding the H2OHIO Chloride Reduction Grant Program announced by the Governor last week.

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

No: None

Motion carried.

Second Readings:

Resolution No. 24-1, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE, BY INTERNET AUCTION FROM FEBRUARY 1 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 24-1. This legislation will permit the Finance Director to dispose of surplus City property by internet auction on the following internet auction sites: govdeals.com, propertyroom.com, and publicsurplus.com.

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

No: None

Motion carried.

Resolution No. 24-1 adopted.

Resolution No. 24-2, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 24-2. This legislation will authorize the Director of Finance to participate in governmental cooperative purchasing programs for the purchase of vehicles, machinery, materials, supplies, and other articles for the City for the calendar year 2024.

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

No: None

Motion carried.

Resolution No. 24-2 adopted.

First Readings:

Ordinance No. 24-11, AN ORDINANCE AMENDING ORDINANCE NO. 23-99, AN AGREEMENT

WITH RONALD WARNER FOR PARKS AND RECREATION CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 24-11. This legislation will amend the agreement with Ronald Warner about the Eclipse initiative.

Mayor Spaetzel stated that Mr. Warner has been working for the City on a contracted basis, on the Solar Eclipse Event and other recreational engagements. Extra services are needed to prepare for the Eclipse, and he and Recreation Director Fach recommended adding those duties to Mr. Warner's contract and increasing his compensation for those services rendered.

Law Director Ebert noted that these additional services will expire on April 30, 2024, and the initial contract will be restored.

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

No: None

Motion carried.

Ordinance No. 24-11 adopted.

Ordinance No. 24-12, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NEIGHBORHOOD ALLIANCE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 24-12. This legislation authorizes the City's participation with the Neighborhood Alliance Senior Enrichment Services to provide home-delivered meals in Avon Lake and to address the health and social services concerns for residents 60 years or older, at a cost of \$61,000. The contract began January 1, 2024, and ends December 31, 2024.

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

No: None

Motion carried.

Ordinance No. 24-12 adopted.

Ordinance No. 24-13, AN ORDINANCE AWARDDING A CONTRACT FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-13. This legislation will award a contract for the collection of solid waste, recyclable materials, and yard waste with Kimble Recycling and Disposal, Inc., of Dover, Ohio, as the most responsive bid. The Charter authorizes Council to grant permission to any corporation the ability to operate a public utility within the Municipality; the State Constitution authorizes Council to adopt and enforce the local Police, sanitary, and other regulations; and the Ohio Revised Code Section 715.43 authorizes Council to provide for the collection and distribution of sewage, garbage, ashes, animal, vegetation refuse, dead animals, and animal offal.

Mr. Arnold asked Brett Fegan, of Kimble, if he had received complaints from customers about the odor that grass clippings produced in the 96-gallon yard waste container. Mr. Fegan responded that he hadn't received any complaints. However, grass clippings over time will emit odors, and the best way to avoid odors is to fill the container a couple of days before pickup.

Mr. Kos thanked Mrs. Fenderbosch for her involvement with the Consortium and her knowledge regarding the trash contract. The results of Kimble's contract will show Residents that the City listened to their requests, and they will now have three options for container sizes. Also, residents do not want yard waste dumped into the landfill.

Council President O'Donnell acknowledged the efforts of Mrs. Fenderbosch, Mayor Spaetzel, and Law Director Ebert with the trash contract. Initially, he was concerned about the waiver being removed by the Lorain County Commissioners, but he learned that legal action would be taken by the Consortium, Avon Lake, Kimble, and other trucking companies should the waiver be removed.

Mrs. Fenderbosch explained that a waiver is an agreement that is considered every two years by the County Commissioners. The landfill in Lorain County is owned by Republic, and Republic has an advantage in taking their trucks there. If a waiver is not given, there will not be any competition. When a waiver is approved, other trash haulers can deposit their recyclables and trash at Republic's landfill at a cost savings. Kimble is still required to pay a percentage per tonnage to the Solid Waste Management District. The County

Commissioners approved a one-year waiver and one-year extension by a vote of 2-1. At the Consortium meeting, it was unanimously agreed that if the Commissioners remove the waiver option, a class action will be taken by all the haulers and the communities involved.

Council President O'Donnell stated that the Consortium needs to have more communities involved to obtain cost savings, which was their original concept.

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

No: None

Motion carried.

Ordinance No. 24-13 adopted.

Ordinance No. 24-14, AN ORDINANCE APPROVING THE FINAL PLAT FOR THE HARBOUR PLANNED UNIT DEVELOPMENT, SUBDIVISION NO. 3, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-14. This legislation will approve the final plat for The Harbour Planned Unit Development, Subdivision No. 3, consisting of 21 single-family lots on 7.824 acres located between Walker Road to the south and the Cuyahoga County property line in Bay Village to the east, in an R-1 Single-Family Residence Zoning District Planned Unit Development and approved by Planning Commission on January 3, 2024. All fees (tap-in fees, grading fees, street tree program fees, etc.) must be paid before the final plat. Due to the passing of Mr. Kopf of Kopf Builders, payment of one of the fees was delayed. The fees have recently been paid, and the final plat can now be finalized.

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

No: None

Motion carried.

Ordinance No. 24-14 adopted.

Ordinance No. 24-15, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF KENT REIBER AS PART-TIME 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: Fenderbosch, Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-15. This legislation will authorize the employment of Kent Reiber as a part-time Police Officer in the Police Department at the rate of \$31.72/hour, effective January 23, 2024.

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

No: None

Motion carried.

Ordinance No. 24-15 adopted.

Resolution No. 24-16, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO ENTER INTO AN AGREEMENT WITH THE LORAIN COUNTY AUDITOR AND COUNTY TREASURER'S OFFICE FOR ACH AND ELECTRONIC TRANSACTIONS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President O'Donnell moved for passage of Resolution No. 24-16. This legislation will authorize the Director of Finance to enter into an agreement with the Lorain County Auditor and County Treasurer's Office to share the City's banking information to enable ACH transactions for the receipt and payment of funds and to make any changes to the bank accounts on behalf of the City.

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

No: None

Motion carried.

Resolution No. 24-16 adopted.

Ordinance No. 24-17, 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.

This legislation will establish that smoking marijuana will not be permitted on City property and in City parks. With the legalization of marijuana, there was a need to update the City's local ordinances. The definition of marijuana will be added to the legislation in the second reading.

Mrs. Fenderbosch reported that residents have emailed in support of the prohibition of smoking marijuana in City parks because they don't want to smell marijuana whenever they are enjoying a City park with their families. They have questioned if there will be

some type of prohibition, should fumes from someone smoking marijuana in their yard carry into their neighbor's yard, and Mrs. Fenderbosch asked if this topic will be discussed at a future Public Safety & Health Committee meeting.

Mr. Kos stated that the Committee has not discussed marijuana fumes, which would probably fall under noxious fumes and is similar to smoking cigars in one's backyard. There probably is something in the City's code that could handle this type of issue, and the Committee could see if it needs to be modified. The current City signs state that smoking tobacco is prohibited, and they will be updated to include the probation of smoking marijuana.

Ordinance No. 24-18, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR THE TACTICAL EMERGENCY MEDICAL SERVICES (TEMS) AND RELATED TRAINING TO 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 (CITIES) AND THE METROHEALTH SYSTEM (METROHEALTH) AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-18. This legislation will authorize the Mayor to enter into a Memorandum of Understanding with MetroHealth to train the ELCERT. In 2022, the cities of Avon, Avon Lake, and North Ridgeville formed the multi-jurisdictional agreement for ELCERT, and there is a need to include EMS training. Avon Lake has one paramedic on ELCERT, and additional paramedics must be trained.

Mrs. Fenderbosch asked Mr. Kos to explain the history of ELCERT. In response, Mr. Kos stated that a multi-jurisdictional agreement between the three communities was authorized by Council in August 2022. Since a large percentage of officers from Avon Lake participated in Lorain County SWAT, it was decided that it would serve the Community better by having these trained officers assigned to Avon, Avon Lake, and North Ridgeville. Therefore, ELCERT was established.

Mr. Zuber stated that he hoped that when a new Sheriff is elected next year, the City will re-establish SWAT through the new Department and have it under the County again.

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

No: None

Motion carried.

Ordinance No. 24-18 adopted.

Ordinance No. 24-19, AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JOHN

RUTHERFORD AS ELECTRICAL SAFETY INSPECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-19. This legislation will appoint John Rutherford as Electrical Safety Inspector at the hourly rate of \$39.16, effective January 29, 2024. Upon obtaining certification as a Commercial Building Inspector within the first year of employment, Mr. Rutherford will receive a \$2/hour increase in pay. Currently, Mr. Rutherford is certified as a Residential Inspector.

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

No: None

Motion carried.

Ordinance No. 24-19 adopted.

Resolution No. 24-20, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE, OR HIS DESIGNEE, TO FILE AN APPLICATION WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE H2OHIO CHLORIDE REDUCTION GRANT PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-20. This legislation will authorize the Mayor to file an application with the Ohio EPA for the H2Ohio Chloride Reduction Grant Program. This grant program became available last Friday, and there is a need to apply promptly. If awarded, the City will receive \$75,000 to purchase upgrades for pre-treatment brine equipment.

Assistant Public Works Director Ward stated that brining the road instead of using granular salt allows the City to pre-treat the roads to stay ahead of a storm and reduce the use of salt. The City uses about 4,000 to 6,000 tons of salt per year. If brining equipment is purchased, there will be a reduction of 1,200 to 2,400 tons of salt per year at a savings of \$170,000, based on the current prices, and help reduce salt runoff into Lake Eric, which kills aquatic life and depletes oxygen in the lake.

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

No: None

Motion carried.

Ordinance No. 24-19 adopted.

PUBLIC INPUT

- Sharon Behringer, 707 Aqua Marine Boulevard, Avon Lake, addressed Council regarding the following concerns she has about the Senior Center:

1) Staffing. Currently, the Senior Center has one full-time employee, who is also responsible for The Anchor, and one part-time employee. There are times when the facility is not manned by an employee, and other times when the City sends someone to observe but not engage with the Seniors. The Center has increased its programming, and it generates revenues from Silver Sneakers® and Renew Active. Two full-time employees are needed to provide adequate coverage.

2) Purchase of Van. The Seniors have requested a 14-passenger handicapped-accessible van, but it has not been approved. The van could be used for day trips.

Regarding the recent school bond levy and the City's agreement to purchase Redwood Elementary School if the levy passed, she questioned why the City did not ask for input from the Seniors about converting the school into a Senior Center. Also, she learned that funds from the Recreation Trust Fund would be used to purchase the property, and she has not been able to find anything about the Trust Fund. She urged Council to consider the purchase of a van to be on par with the surrounding areas.

Mayor Spaetzel stated that he met Mrs. Behringer at a Senior Luncheon, and he attested that the City does have one full-time and one part-time employee at the Senior Center. He has discussed expanding employee service at the Center with Recreation Director Erin Fach, and the City needs to find a way to accomplish this goal. The City is limited in its programming because of the limited available space, and it has a passenger van to transport Seniors to appointments and a minivan.

Mrs. Behringer responded that the passenger van was never available for day trips.

- Sam Naumann, 246 Fairfield Road, Avon Lake, addressed Council as Chair of the Environmental Affairs Advisory Board (EAAB) regarding EAAB's role within the Community, as Council's appointees. The survey from the 2019 Comprehensive Plan resulted in half of the residents agreeing that Avon Lake does not have good lakefront access, and a fair response was given on a comprehensive strategy. He asked what the plans or potential partnerships of the City are to ensure sustainable development along the lakefront that will benefit the health and wellness of the Community. Also, he asked if the City would revisit the Plan regarding residential development and the co-existence of wildlife. If Council has not considered this topic, he recommended Council task the EAAB with a comprehensive study of wildlife management to fortify the Plan.

Mayor Spaetzel stated that it is the City's goal to provide more lakefront access to the public with the tearing down of the Power Plant, and he is working with the Law Director on a development agreement that will provide the City with lakefront access up to 3,000 feet. Regarding the issue of wildlife, he will speak with Communications & Technology Director Barb Cagley and Councilman Shahmir to consider EAAB's assistance as an option.

Mrs. Fenderbosch addressed the residential development question. She explained that the 2019 Comprehensive Plan identified three target areas, and Lake Road to Moore Road and Lake Road to Miller Road is one of the target areas. The Plan began with a subcommittee from Planning and Zoning that included Residents. It will be revisited by Community Development Director Ted Esborn. Residential development does need to be considered. She will email Director Esborn to discuss this topic further at a Planning Commission meeting, and she invited Mr. Naumann to attend. There is a sustainability chapter in the City's ordinances, and it addresses more than wildlife. It has to do with stormwater, environmental issues, degrading, pervious surfaces, and impervious surfaces.

Mr. Zuber stated that he is a proponent of partnering with Lorain County Metroparks on the acquisition of land at the Power Plant site. They are very interested and have attended the Community Improvement Corporation meetings. The other entity the City could partner with is the Lorain County Port Authority, which can offer funding or purchase property.

Mr. Shahmir stated that sustainability has many components, such as environmental and economic. It has a social component and an integration of community through the entire process. The Economic Development Plan of a community and its Land Use Plan are vital, and they need to be integrated. A tactical plan is needed for the short-term and long-term goals of the City's Comprehensive Plan.

- Garth Peterson, 136 Curtis Drive, Avon Lake, addressed Council to voice his concern on the issue of Verizon's services shutting down last week; Westlake also experienced the same issue. He asked who in the City would investigate the problem; Cuyahoga County and Lorain County were also impacted. He noted that a complaint form is available to report this issue on the Federal Communication Commission's website.

Ms. Gentry offered to investigate the issue and will follow up with Mr. Peterson.

- Gerald Phillips, 461 Windward Way, Avon Lake, addressed Council regarding the following topics:

1) Zoning Board of Appeals' (ZBA) case on the Avon Lake Animal Clinic wherein there was a failure to record the minutes of a ZBA meeting and they didn't have any minutes.¹ At another ZBA meeting, he spoke and distributed a handout to the Board.

¹ The meeting was not recorded. Minutes were produced based on notes taken by the Recording Secretary.

The minutes of that meeting did not reflect his actions, and those minutes do not comply with the law as a proper recording. The City needs to investigate this.

2) Kimble services. His property is at the end of the route, and there are some occasions when Kimble fails to collect his waste. A Kimble customer service representative was very rude, and he recommended to Mr. Fegan of Kimble that Kimble conduct customer service training for their employees.

3) Regarding Mr. Zimmerman's comments on Lorain County SWAT and Mr. Zuber's statement about the City returning to Lorain County SWAT, Mr. Phillips believed that joining ELCERT would be a waste of money in the short term if the City returned. Also, he noted that Mr. Zimmerman presented strong statistics about the use of an armored vehicle. He asked what the costs were with the County program versus ELCERT and whether there was a cost analysis in the decision. He would like to review the numbers.

4) Lakefront. He agreed that the Lorain County Port Authority is a good tool and should be considered. Access to the lakefront in connection with the Comprehensive Plan is important. It is conclusive that there are environmental issues that need to be addressed and the area cleaned. The City should place information about the lakefront development on its website to keep residents informed. Also, the website could be expanded to include past ordinances to avoid public records requests and reduce employees' time fulfilling those requests. He was unsure if the City has a record retention policy and would like a copy².

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:43 p.m.

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

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

² A copy of the City's Records Retention Schedule was provided to Mr. Phillips on January 23, 2024.