

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 26, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on February 26, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Council President O'Donnell 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; City Engineer Chris Howard; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the Council Meeting on January 22, 2024, were approved as prepared and published.

MAYOR'S REPORT

Mayor Spaetzel reported that 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.

March 19th is Primary Day in Ohio. Whether residents vote partisan or not, Issue 2, a paramedic levy, is on the ballot. This is a five-year renewal that supports the paramedic services provided by the City's Fire Department and funds approximately the cost of one shift in the Department. Residents have supported this levy in the past, and their continued support is hoped for.

Mr. Kos stated that Fire Chief Jeremy Betsa will attend next week's Collective Committee Meeting to provide details about the levy and answer any questions Council or the public may have.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell reported on the following:

- 1) The next Collective Committee Meeting will be held on Monday, March 4, 2024, at 7 p.m., and the next Council Meeting will be held on Monday, March 11, 2024, at 7 p.m.
- 2) A Budget meeting will be held on Monday, March 4, 2024, at 5:30 p.m. followed by the Finance Committee meeting in the Council Chamber.

- 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.

CITY ENGINEER'S REPORT

City Engineer Howard reported that Smith Paving & Excavating will be installing the Rectangular Rapid Flashing Beacons (RRFB) at Walker and Armour Roads, and Lear and Creekside Roads on March 4.

Last Friday, the City received seven bids for the Walker Road Paving Project, Phases 3 and 4. The bids are in review, and a bid recommendation will be presented to Council soon.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the meeting of the Economic Development Committee on February 20, 2024, wherein Bill Logan, the Business and Financial Coordinator for Avon Lake Regional Water, presented an educational seminar on Tax Increment Financing (TIF). A TIF is an economic development mechanism available to local governments in Ohio to finance public infrastructure improvements or residential rehabilitation. Council and the Administration will continue discussion on this tool at a future meeting.

FINANCE COMMITTEE REPORT

The next meeting of the Finance Committee will be held on Monday, March 4, 2024, in the Council Chamber following the 5:30 p.m. Budget meeting in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

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

The next meeting of the Public Service Committee will be held on Tuesday, March 12, 2024, at 6 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, March 5, 2024, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that four City employees and three members of the Tree Commission will attend the North Coast Urban Forestry Conference on March 7, 2024.

The next meeting of the Tree Commission will be held on Wednesday, March 13, 2024, at 7 p.m. at the Old Firehouse.

WALKER ROAD AD HOC COMMITTEE REPORT

The next meeting of the Walker Road Ad Hoc Committee will be held on Thursday, March 14, 2024, at 6 p.m. in the Council Chamber.

AUDIENCE PARTICIPATION

William Zimmerman, 241 Moorewood Avenue, Avon Lake, voiced his opposition to Ordinance No. 24-24, 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. He didn't think the City needed to leave the Lorain County SWAT to start ELCERT. His rationale was that if a situation warrants ELCERT members to assemble, they will not arrive in time. He stated that an active shooter is reckless and will shoot quickly. It is a waste of the taxpayers' money. There hasn't been a hostage situation in Avon Lake in his lifetime. If Council approves this purchase, he will pursue a referendum.

MOTION

Mr. Shahmir moved to confirm the Mayor's appointment of Katie Matos to the Digital Media Commission for a term commencing February 27, 2024, and expiring December 31, 2024.

Mr. Shahmir stated that he met Ms. Matos at the last Commission meeting, and she is very capable, knowledgeable, and has a great resume. Mayor Spaetzle agreed and stated that Ms. Matos was selected based on her resume. She is experienced in video production, which is a skill that is unique to the Commission's membership.

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

No: None

Motion carried.

LEGISLATION

Second 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 a 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 the lease for five consecutive years. The monthly rental will be 5% of the utilities' fees, not to exceed \$6,000 annually.

Law Director Ebert stated that the terms of the lease were agreed to by the Library, and this arrangement has been positive for the City and the Library.

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.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-24. This legislation will authorize the Mayor to enter into a Memorandum of Understanding to jointly fund the purchase and maintenance of a Lenco Bearcat® G3 armored vehicle for ELCERT at a cost of \$125,000.

The formation of ELCERT was recommended by the Public Safety & Health Committee on August 17, 2022, and forwarded to Council. ELCERT's formation was developed by the Police Chiefs in Avon, Avon Lake, and North Ridgeville. Their goal was to provide a quality organization that offers better service to their communities than what Lorain County SWAT has provided. The purpose of ELCERT, also known as the Tactical Team or SWAT, is to respond to the following situations: civil disobedience, confrontations, barricaded subjects, hostage taking, and high-risk arrests and search warrants. The Tactical Team will receive specialized training and equipment; it is a shared organization. Regardless of where a situation occurs, e.g. Avon, Avon Lake, or North Ridgeville, the team will respond to any of those communities. Equipment is needed for the Tactical Team, and Chief Molnar has stated that if they do not have an armored vehicle there isn't a SWAT team. The type of armored vehicle that would be needed was discussed by the Police Chiefs, and the cost was thoroughly discussed by the Administration and Council at a Budget meeting. The vehicle cost is \$358,387. Each community will contribute \$125,000 for a total of \$375,000. The overage collected in the amount of \$16,613 will fund repairs and other vehicle costs that arise. The lifespan of this vehicle is 20 years, which represents a \$6,000 per-year investment for the City. No community thinks that they will need a Tactical Team, and it is hoped that Avon Lake will never have to use it. Statistically, one or each of these communities will have a situation listed above, and the safety of the public is a priority. All safety decisions are determined by the City's Police Officers, Safety Director, and Police Chief, and acquiring this armored vehicle will support their safety goals.

Mayor Spaetzel, as a former Police Officer/Police Chief, described his experience on the Tactical Team for Westshore Enforcement Bureau (WEB). WEB used an armored vehicle many times throughout the year for high-risk warrants and hostage situations. He has negotiated from the armored vehicle. The three cities hope they never need to use it, and he agreed that it is expensive. However, the well-being of the safety forces and the public warrants this expenditure to ensure their security and protection.

Mr. Zuber voiced his hope that after a new County Sheriff is elected in November, the City will consider working with the new, re-invigorated countywide SWAT. He noted that the combined population of the three cities in ELCERT is approximately 90,000.

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

No: None

Motion carried.

Ordinance No. 24-24 adopted.

First Readings:

Ordinance No. 24-28, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT TO PURCHASE 35.38 ACRES ON LAKE ROAD FROM AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP, LLC, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a purchase agreement to purchase 35.38 acres on Lake Road on behalf of Avon Lake Regional Water (ALRW) from Avon Lake Redevelopment Environment Group, LLC, (ALERG) of Louisville, Kentucky, in the amount of \$3,250,000.

Chief Utilities Executive Rob Munro addressed Council to provide the following details on this purchase:

- The property is located between Lake Road and Walker Road and consists of the coal storage yard, the retention pond on the frontage of Lake Road, and the fly ash scale parcel.
- ALMU Board approved the purchase on February 6, 2024.
- The purchase will be funded by rate-payer utility funds, and no City tax dollars will be used. The specific funds used will be cash reserves that are on hand, and no debt will be encumbered.
- Environmental work has been completed by ALERG. ALRW has a master services agreement with environmental consultant, Verdantas. After the purchase agreement is executed, the 90-day due diligence period begins.
- Verdantas will investigate the environmental work completed to date and will fill in data gaps.
- The agreement stipulates that ALRW and the City of Avon Lake will be added to ALERG's \$15 million environmental insurance policy. The policy gives ALRW authority to add a third party as an additional insurer if any portion of the property is sold in the future.
- The property is adjacent to ALRW's Water Reclamation Facility and Wastewater Treatment Plant. Its purpose will be for future expansion of its facilities and potential economic development in the area.

Mr. Shahmir asked if the coal yard runoff pond is within the boundary of this property, and if so, will the pond continue to discharge into Lake Erie? In response, CUE Munro stated that the pond is currently connected to the storm system that discharges into Lake Erie. During the due diligence period, soil borings and samplers will be set up to determine what is being discharged from the pond. The method of disposal of sediments collected from the pond will be determined based on the data collected.

Mr. Shahmir asked if a risk assessment would be conducted on the runoff from the pond and if the sediments flowing into the pond would be included. Steve Gross of Verdantas responded that they will conduct property-wide risk evaluation during the due diligence, and it will be included with the site-wide data. They will look at what is being discharged from the pond along with other risk and exposure receptors. A tremendous amount of

data has been collected, and they will fill in the data gaps to meet the standards of a Voluntary Action Program.

CUE Munro explained that the purpose of the 90-day due diligence period is to collect data which will be evaluated by Verdantas and presented to the ALMU Board, who will determine if there is a need to renegotiate the agreement or rescind it.

Mrs. Fenderbosch asked if the laboratory where the samples are sent is backlogged, which would extend past 90 days. Mr. Gross anticipates receiving data back within a reasonable time to evaluate it. Lab results usually take 10 to 14 days.

First Readings:

Ordinance No. 24-29, AN ORDINANCE AUTHORIZING THE PURCHASE OF AMBULANCE EQUIPMENT FROM STRYKER MEDICAL FOR THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-29. This legislation will authorize the purchase of three Power-Pro 2 cots in the amount of \$91,444.35 from Stryker Medical of Portage, Michigan. This sole source purchase will provide the Fire Department with upgrades to power cots.

Mr. Kos reported that he received notes about this purchase from Chief Betsa, who asked that they be read into the record:

To update the power cots does have a seemingly large cost but the benefits are great. The power cots the City currently has are seven to eight years old and are the first version of the Stryker power cots. With time has come the development of the power cots, and the new ones will provide an added ability of the weight they can lift. This is a huge factor to consider regarding which cot to purchase. The new power cots will be able to withstand over 800 pounds. This is not only the patient's weight but any supplies or equipment on the cot or the patient. There are individuals whose size would cause significant strain on staff for lifting, and the utilization of the power cot has been successful in these situations. The new cots will ensure an increased lifespan and the ability for smart batteries to properly charge and operate the system. It is estimated that power cots save an average of eight patient lifts per call. With well over 2,000 EMS calls a year, the number of lifts this will save the department is incredible. The power cots and the loader system are maintained on an annual basis, but with time and heavy use, they need replacement. This is a critical piece of the City's EMS delivery system, and the Fire Department strives to ensure that all

equipment is up to date and functioning properly. This is what the residents would expect.

Mr. Kos added that the current cots have a resale value and will be sold to other departments.

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

No: None

Motion carried.

Ordinance No. 24-29 adopted.

Ordinance No. 24-30, AN ORDINANCE AWARDED A CONTRACT FOR THE MILLER ROAD PARK SAND DREDGING PROJECT TO HUFFMAN EQUIPMENT RENTAL, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-30. This legislation will award a contract for the Miller Road Park Sand Dredging Project to Huffman Equipment of Eastlake, Ohio, in the amount of \$74,775.

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

No: None

Motion carried.

Ordinance No. 24-30 adopted.

Resolution No. 24-31, A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF AVON LAKE, OR HIS DESIGNEE, TO SUBMIT A LEVEL 2 ISOLATED WETLAND PERMIT APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO MITIGATE WETLANDS AT WALKER ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to submit a Level 2 Isolated Wetland Permit to the Ohio EPA for the mitigation of wetlands at Walker Road Park.

Law Director Ebert stated that the City would have been required to pay a penalty upon submission of the application to the Ohio EPA, but the penalty has been waived and an extension to apply has been granted. Engineer Beth Fulton of Chagrin Valley Engineering is coordinating this mitigation project.

Ordinance No. 24-32, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A WETLAND MITIGATION PURCHASE AGREEMENT FOR WETLAND IMPACTS AT WALKER

ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a Wetlands Mitigation Purchase Agreement to purchase mitigation credits from a mitigation bank for 1.32 acres of isolated wetlands in Walker Road Park. The City of Bay Village will reimburse Avon Lake 50% of the cost for the mitigation credits.

Ordinance No. 24-33, AN ORDINANCE AMENDING PLANNING AND ZONING CODE CHAPTERS 1214, REVIEW PROCEDURES; 1224, ACCESSORY AND TEMPORARY USE REGULATIONS; 1226, GENERAL DEVELOPMENT STANDARDS; 1232, LANDSCAPING AND SCREENING STANDARDS; 1234, PARKING, ACCESS, AND MOBILITY STANDARDS; 1238, SUBDIVISION DESIGN STANDARDS; AND 1246, DEFINITIONS, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend several sections in the Planning and Zoning Code that was recommended by the Planning Commission on February 7, 2024, to clarify language and definitions that are unclear and problematic.

Ordinance No. 24-34, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT YEAR AND OTHER EXPENDITURES FOR THE FISCAL YEAR 2024, was read by title only.

This legislation will establish the budget for Fiscal Year 2024 and replace the temporary budget (Resolution No. 23-205). The budget includes \$1.7 million for the Walker Road Paving Project, Phases 3, 4, and 5; \$5 million for asphalt and concrete streets projects; \$163,000 (10% match) for sidewalks on Lake Road that will be funded through a grant; \$50,000 for the Gable Ditch project; \$1.07 million for outfall projects; \$1 million for Avon Lake Play Space; \$95,000 for the Miller Park Sand Dredging project; \$909,000 for the Heider Ditch bridge on Electric Boulevard; \$53,000 for a Tree Study; \$108,000 for Communications and Technologies; and \$5,250 for the Environmental Affairs Advisory Board.

Finance Director Widman stated that the temporary budget is still in force and effect. This first draft of the budget was focused on wages and fringes, and a more complete budget will be reviewed at the March 4th Budget meeting.

PUBLIC INPUT

- Len Leiber, Commander and Acting Champlain of American Legion Post 211, 31972 Walker Road, Avon Lake, addressed Council to update them on the PTSD Intervention Program that began at Post 211 a year ago. The program is designed for Veterans who have lingering PTSD issues. Commander Leiber was pleased with the efforts of this program and thanked the City for their support and recognition. Post 211 is now offering support to anyone who may be a relative or have a close connection to a PTSD-affected Veteran or someone in active service. These individuals are close to these Veterans, who cannot escape the reality of this horrible malady. Post 211's PTSD Intervention Program is held every Thursday at 7 p.m.

The management of Avon Lake retirement and assisted living communities were invited to bring Veterans in their community to the Post's *Stars and Stripe Café* at no charge. Post 211 now offers *Meals for Vets* for Veterans who are not eating regularly or properly at home and are not able to go to the Post. Volunteers deliver two meals every week for up to two people. Café hours begin at 4 p.m., and the Café is closed on Sundays. For more information, call the 24-hour line at 440-610-1112.

Post 211 hopes that the plans for improved street lighting along Walker Road and the adjoining Giant Eagle shopping center are moving toward actualization. Referring to the ELCERT armored vehicle, Mr. Lieber said every community in this country needs an armored car. The world is becoming bleak, and people are practicing "suicide by cop". Safety first.

- William Zimmerman, 241 Moorewood Avenue, Avon Lake, asked Council President O'Donnell why a Safety Committee meeting was not held this month. Mr. Kos, Chair of the Public Safety & Health Committee, responded that the Committee did not have any items to discuss. Mr. Zimmerman countered that the Mayor should not be the Safety Director. The position should be elected. It was his opinion that collusion exists in the Administration, which he believed also occurred with the previous Administration. The Police Chief is appointed by the Mayor. It was his opinion that the Police Chief caused a commotion during a crime investigation, a crime no one knew about until Mr. Zimmerman brought it to Council's attention.

Council President O'Donnell cautioned Mr. Zimmerman on his statements.

In response, Mr. Zimmerman stated he has freedom of speech and will continue to speak. He accused the City of violating this freedom several times. He stated that the Mayor is one day closer to a recall. He was told that this Administration would be transparent, but he believes it hasn't been. The Lake Road speed limit issue hasn't been resolved. ODOT states that in 1958, the speed limit was 35 mph. The City has not found any documentation supporting the change to 25 mph.

Council President O'Donnell stated that Law Director Ebert is researching this issue.

Mr. Zimmerman stated that he has been told that for a year and a half and has brought this issue to the prior Administration. Mayor Zilka informed him that no documents were found when he made a public records request. The speed limit is supposed to be 35 mph on Lake Road and SR 83 because both are State routes governed by ODOT, not the City.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(2), Mrs. Fenderbosch moved to adjourn to Executive Session to discuss the purchase and sale of property.

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

No: None

Motion carried.

Adjournment: 7:57 p.m.

RECONVENING OF COUNCIL MEETING

The regular Council Meeting was reconvened at 9:11 p.m.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Marty O'Donnell, Rob Shahmir, and K. C. Zuber.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:12 p.m.

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

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