

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MARCH 11, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on March 11, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Mr. Zuber 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; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

MASTER MUNICIPAL CLERK PRESENTATION

Council President O'Donnell presented Clerk of Council Valerie Rosmarin with her Master Municipal Clerk designation issued by the International Institute of Municipal Clerks.

PUBLIC HEARING

The Public Hearing opened at 7:09 p.m.

Mrs. Fenderbosch presented the text amendments to the Planning & Zoning Code that were recommended by the Planning Commission and identified in Ordinance No. 24-33. The decision-making processes will change from the Code Administrator to the City Engineer, and the title of an arborist will change to an urban forester was changed. Also, the definition of construction and home business was modified for clarity, and the definition of site improvement was added.

The Public Hearing closed at 7:14 p.m.

APPROVAL OF MINUTES

The minutes of the Council Meeting on February 12, 2024, were approved as prepared and published.

CORRESPONDENCE

Mrs. Fenderbosch reported that she has fielded several telephone calls and emails from residents asking for clarification of the new Kimble Trash, Yard Waste, and Recycling Program along with a list of items that can be recycled. She reviewed the notification process of the new contract and stated that last Friday (March 8) residents should have received a flyer from Kimble that described the trash changes. Three container sizes (96-, 64-, and 32-gallon) have been offered, and residents can change the size of their

container within the first 90 days at no charge. The contract includes a 96-gallon yard waste container. If residents choose to use that container, they will receive a 0.78 cent reduction in cost per quarter. Also, residents can continue to use their container, identified as “yard waste” or “YW”, along with placing paper yard waste bags at the curb.

Mr. Arnold asked if residents are required to request the new yard waste container or if will they automatically receive one from Kimble, and he asked what items can be placed in the containers.

Mrs. Fenderbosch responded that containers must be requested by residents either by calling Kimble or submitting their request online. Shrubbery, grass clippings, leaves, sticks, etc. are items typically placed in paper yard waste bags. The 96-gallon container holds approximately four to five paper yard waste bags. Paper yard waste bags cannot be placed in the yard waste container.

MAYOR'S REPORT

Mayor Spaetzel congratulated Mrs. Rosmarin on attaining her Master Municipal Clerk designation and welcomed Mr. Liskovec as the City's new Public Works Director.

Mayor Spaetzel reported on the following events:

1. A meeting for Wards 3 and 4 will be held on Wednesday, March 13, 2024, at Troy Intermediate School at 7 p.m. A meeting of Wards 1 and 2 was held on March 6, 2024, with 125 residents in attendance.
2. Primary Day will be held on Tuesday, March 19, 2024. The City placed a five-year Paramedic and EMS Levy on the ballot. This will renew the current Levy and fund one-third of the Fire Department's budget for five years without an increase. Mayor Spaetzel encouraged residents' support of the Levy and stated that it will allow the City to maintain the standard level of care they expect from the City.
3. The Total Solar Eclipse will occur on Monday, April 8, 2024. City Hall will be closed to the public on that day, but staff will continue to answer phone calls. Residents are asked to conduct any business they may have with the City before that date. The City is finalizing plans, and the Recreation Department has requested volunteers on that day or during the weekend. All volunteers will receive a free ticket to the Watch Party. Currently, the City has sold 1,485 Watch Party tickets, and tickets for the High School south parking lot are sold out. Parking tickets are available for the north parking lot. Eleven RV campsites have been sold at Miller Road Park, and seven tent sites have been sold at Weiss Field. There are 249 runners registered for the Eclipse 5K Chaser.
4. The contract with Kimble Recycling and Disposal, Inc., was signed and will go into effect on April 1, 2024. There is a \$34/year increase. Kimble will provide residents with details of the contract, and residents can go to the Public Works Department, 750 Avon Belden Road, to inspect all container sizes.

5. Brightspeed, formerly Centurytel, will be installing their fiber backbone throughout the City. Fifty percent of their fiber will be installed underground, and the remaining percentage will be installed on poles. This process will take approximately three to four months, and they will contact residents about service during that time.

Mayor Spaetzel congratulated the following High School teams and students on their athletic achievements:

- Shoreman Bowling Team was awarded the Division I State Runner-Up title at the State Tournament; two members were selected for the All-Ohio Team.
- Rejan Al-Hashash was awarded the Woman's State Championship in Wrestling for the 140-pound weight class. Miss Al-Hashash is the first woman in School history and Lorain County to earn this title.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell reported on the following:

1. The next Collective Committee Meeting will be held on Monday, March 18, 2024, at 7 p.m., and the next Council Meeting will be held on Monday, March 25, 2024, at 7 p.m.
2. 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.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. A pre-construction meeting will be held on March 12, 2024, for the Sand Dredging Project at the Miller Road Park boat ramp.
2. ECS Midwest, LLC, was awarded the Request for Qualifications (RFQ) for the geotechnical boring of City streets which will be selected by the City Engineer.
3. The City was awarded a recycling grant from the Ohio EPA.
4. A meeting will be held on Tuesday, March 12, 2024, with the insurance adjuster to review the next steps for the restoration of water damage at City Hall.
5. RFQs for the Avon Lake Play Space (ALPS) project were reviewed, and interviews with the top companies will be conducted soon.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported on the meeting of the Environmental Affairs Advisory Board (EAAB) on March 5, 2024, wherein the Board debated the need to have a venue to discuss Power

Plant issues. Previously, the Board was given a platform at the Community Improvement Corporation (CIC) meetings, but they were removed and can only speak for three minutes during Public Comment. To alleviate this problem, the Board requests a mechanism for discussion on various issues that arise and is looking to have that venue at a CIC meeting or another meeting.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the Economic Development Committee special meeting held earlier. The Committee discussed a matching federal grant that the City received in the amount of \$75,000 for the Community Development Department.

The next meeting of the Economic Development Committee will be held on Monday, March 18, 2024, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported on the Human Resources Committee meeting held earlier this evening. The following items were discussed:

1. Appointment of a full-time Bailiff in the Municipal Court.
2. Retirement of a Sergeant in the Police Department and appointments of a Sergeant on March 18, 2024, effective April 2, 2024, a Police Officer on March 25, 2024, effective March 31, 2024, and a full-time Dispatcher/Records Clerk.
3. Mayor Spaetzel updated the Committee on the hiring of a full-time HR Director that has been re-advertised.
4. Job description of the part-time Records Clerk.

PUBLIC SAFETY & HEALTH COMMITTEE REPORT

The next meeting of the Public Safety & Health Committee will be held on Wednesday, March 20, 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

Mrs. Fenderbosch presented the proposed changes recommended by the Planning & Zoning Code on March 6, 2024. She stated that the applicants, Lake Veterinary Properties, LLC, want to rezone 2.02 acres of vacant land that fronts Durrell Avenue and is located southeast of their pet resort, Paws by the Lake, from a Public Institutional (PI) District to a B-1 Limited District.

This parcel was previously owned by the City and is near Avon Lake Regional Water's (ALRW's) Water Filtration Plant. The parcel was split and offered for sale through the public bidding process in December of 2022 and transferred to Lake Veterinary Properties, LLC, in December of 2023. It is near a business area and adjacent to the industrial zoning. The City's Comprehensive Land Use Plan identifies the future use of this area as a civic, or institutional district. The Avon Lake Animal Clinic is in a B-1, General Business District, and it was acquired to be used similarly. It is consistent with the area and the land around it. The Planning Commission unanimously voted in support of the rezoning.

Mr. Kos asked Planning & Zoning Manager (PZM) Kelly La Rosa if residents in the area were notified that the Planning Commission was considering the rezoning request and what the intended use for this property will be. PZM La Rosa stated that notices were not sent by the Planning Commission because the requirement is for residents to be notified of the Public Hearing (March 25, 2024) by the Clerk of Council. No one spoke on the issue at the Planning Commission meeting, and no one called with questions. Lake Veterinary Properties, LLC, stated that some of the property will be used for parking, and they will shift their trails to the west.

ZONING BOARD OF APPEAL REPORT

Mayor Spaetzel reported on the results of the Zoning Board of Appeals meeting held on February 28, 2024. An appeal of the Code Administrator's decision regarding landscaping for 32130 Ventenas Circle was denied, an area variance to install an ornamental fence at 634 Parkside Drive was denied, and an area variance to install two columns and a metal fence at 32432 Lake Road was denied.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that the City was designated as a Tree City USA and received the Growth Award for the first time. Only 15% of the communities in the United States receive a Growth Award. The Public Works Department worked very hard to obtain this award and has worked to bring to the public additional information and training.

The North Coast Urban Forestry Conference was held last week with four staff members from the Public Works Department (Darwin Ward, Paul Casterline, Alex Yenni, and Celena Crytzer) and three members of the Tree Commission (Terry Robison, Sue Newcomb, and Jennifer Fenderbosch) in attendance. Some of the topics discussed will be presented at a future Work Session. Conference speakers included Matt Leiden, Division Forester for the State of Ohio; Jason Veal, curator at Seacrest Arboretum in Wooster, Rocky River, Euclid, and Vermilion; Alan Siewert, Burr Oak Training; Cody Riddell with Davey Tree; and Joe Puperi, Advanced Tree Health of Findlay.

Charah Solutions donated three of their hybrid dwarf crabapple trees located on the Power Plant property to the City. These trees were transplanted on the historic Peter

Miller House property by the Public Works Department. Unfortunately, one tree was found to be rotted and could not be transplanted.

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 Wednesday, April 10, 2024, at 6 p.m. in the Council Chamber.

MOTION

Mrs. Fenderbosch moved to authorize the donation of old street signs to the Avon Lake Historical Society to be used for historical preservation or as a fundraiser to support the organization.

Old street signs were found in the basement of City Hall, and the Avon Lake Historical Society is interested in selling them as a fundraiser. The developer of a new subdivision is required to pay for duplicate signs for every street, and these were found to be obsolete.

Law Director Ebert stated that the signs were replaced with newer signs and are obsolete, unneeded, and unfit for municipal purposes.

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

No: None

Motion carried.

LEGISLATION

Third 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.

Mr. Shahmir moved for passage of Ordinance No. 24-21. 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.

Mr. Zuber noted that the relationship with the Avon Lake Public Library has existed for over 30 years since the Public Access Studio was formed and started in the library.

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

No: None

Motion carried.

Ordinance No. 24-21 adopted.

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.

Mr. Shahmir moved for passage of Ordinance No. 24-22. 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.

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

No: None

Motion carried.

Ordinance No. 24-22 adopted.

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.

Mr. Shahmir moved for passage of Ordinance No. 24-23. 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.

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

No: None

Motion carried.

Ordinance No. 24-23 adopted.

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.

Council President O'Donnell moved for passage of Ordinance No. 24-28. 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 (CUE) Rob Munro, Steve Gross of Verdantas, and Gary Deigan of Deigan & Associates, addressed Council to provide the following details on this purchase:

- Avon Lake Municipal Utilities (ALMU) Board approved the purchase on February 6, 2024, and authorized the allocation of utility funds (water and sewer reserve funds) for the purchase. No tax dollars will be used, and no additional debt will be occurred. It will be a cash deal.
- The Agreement is contingent on a 90-day due diligence for environmental testing and analysis by ALRW. A significant amount of environmental testing has been conducted by ALERG, and ALRW will collect additional data. ALRW was permitted access to the property before this Agreement was signed.
- As test results are returned, ALMU Board will determine if ALRW will move forward with the purchase or if there is a need to renegotiate or cancel the Agreement.
- The property is adjacent to ALRW's Water Reclamation Facility, also known as, the Wastewater Treatment Plant.
- The purpose of this purchase is for the future expansion of ALRW and economic development.
- ALERG has an environmental insurance policy in the amount of \$15 million, and the City and ALRW will be additional insureds on the policy with the caveat that if the property is sold in the future, the City and ALRW have the authority to assign a third party as an additional insured on that policy.

Mr. Shahmir stated that the retention pond on the property was connected to the stormwater system. This fact was previously discussed with CUE Munro, and Mr. Shahmir has not been able to ascertain who approved the connection (only the City Engineer, as the stormwater manager) has that authority, and if said connection was based on a risk assessment.

Mr. Gross stated that he spoke with the Ohio EPA regarding the connection. The Ohio EPA does not provide a direct permit for this type of connection. They were notified that the retention pond area was cleaned, sediments were removed down to bedrock, and the side walls cleaned. This information was sufficient for them to approve the connection to discharge.

Mr. Shahmir asked if he could have a copy of their approval.

Mr. Gross stated that there is no official approval. He was given the approval to connect to the discharge verbally.

Mr. Shahmir stated that the City's Code requires the stormwater manager to approve connections. Can Verdantas ensure that there is no risk of runoff from any coal residue that may end up in the lake? Mr. Gross responded that Verdantas is currently completing an assessment.

Mr. Shahmir reiterated that the connection is not based on a risk assessment.

Mr. Gross explained that the Ohio EPA accepted the connection without requiring a formal Permit-to-Install (PTI) approval based on ALERG removing the coal area, cleaning out the basin, and cleaning the side walls, which was sufficient to meet the general conditions.

Mrs. Fenderbosch, as the former Chair of the Sewer Committee, stated construction sites per City Codes 1058, 1060, and 1061 require the developer to obtain permits from the Ohio EPA. She asked who presented the information to the Ohio EPA.

Mr. Gross responded that Mr. Deigan, the environmental consultant for ALERG, provided the information to the Ohio EPA.

Mr. Deigan stated that everything his firm does is submitted to the Ohio EPA, such as asbestos abatement, demolition, construction, and stormwater permitting, and the Ohio EPA inspects the site regularly.

Mr. Shahmir asked Mr. Deigan about the documentation his firm provided to the Ohio EPA which led to the Ohio EPA's approval of the stormwater discharge connection to the City's system, and he asked if there was an email or something that shows that approval.

Mr. Deigan responded that he does have documentation, and it was shared with ALRW. CUE Monroe stated that he would provide Council with it.

Mr. Zuber stated that the City has had a good relationship with ALRW, and over the past 30 years has purchased property east of Moore Road between Electric Boulevard and Lake Road for their future expansion. He noted that there will be future development in this area and the southern part of the County that will require ALRW to provide water and extract sewage. The expansion of this utility is fortunate for the City, and he is appreciative of what ALRW does for the citizens of Avon Lake and Lorain County.

CUO Munro informed Council that ALRW's \$32 million improvement project at the Water Filtration Plant will begin in the next six to eight weeks. This is a two-year project, and ALRW is moving into the design of their next project that will expand water capacity.

Mr. Shahmir agreed with Mr. Zuber's statement and added that CUO Munro is a future thinker, whose approach to the management, operation, and maintenance of ALRW is above and beyond most facilities nationally and globally. He is questioning the potential liabilities associated with the property and not ALRW's operations. He has the utmost respect for CUO Munro and his team, which is one of the best water management facilities he has seen in his career.

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

No: None

Motion carried.

Ordinance No. 24-28 adopted.

Second Readings:

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 to clarify language and definitions that are unclear and problematic. The Planning Commission recommended these amendments on February 7, 2024, and a Public Hearing was held earlier in this meeting.

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).

Mayor Spaetzel reported that a Budget meeting was held to review the capital, the salary and benefits, and the City's operational budgets. He provided Council with the budget worksheet and a copy of the final capital budget, which includes items from the temporary budget and the permanent budget. The total amount of the budget is \$12,069,369.50, which will be offset by American Rescue Plan Act (ARPA) funds in the amount of \$2,070,401 for a revised total of over \$10 million.

Council President O'Donnell stated that the budget includes the Path Master Gate and Traffic Lights Control, the 2024 pavement markings, outfall engineering, a \$200,000 bundle with ALRW, architectural services for the City Hall, design services for Public Works Department expansion, and a tree study.

First Readings:

Ordinance No. 24-35, AN ORDINANCE ESTABLISHING PETTY CASH OR CHANGE FUNDS FOR VARIOUS CITY DEPARTMENTS OR FUNDS, INCREASING THE PETTY CASH FUNDS FOR OTHER DEPARTMENTS OR FUNDS, REPEALING ORDINANCE NOS. 68-2011 AND 33-2018, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish petty cash in the following departments: Engineering, in the amount of \$100; Fire, in the amount of \$100; Police, in the amount of \$100; Lorain County Rural Wastewater District (LORCO), in the amount of \$1,000; Recreation, in the amount of \$100; The Anchor, in the amount of \$150; Sewer, in the amount of \$200; and Water, in the amount of \$200.

Ordinance No. 24-36, AN ORDINANCE ACCEPTING THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR THE AVON LAKE RECOVERY AND RESILIENCY PLAN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-36. This legislation will accept the U.S. Economic Development Administration Grant in the amount of \$75,000, which is a matching grant. The grant will be used to develop an Economic Recovery and Resilience Plan for the City for the retention of businesses and to alleviate any potential loss of business or growth in the City.

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

No: None

Motion carried.

Ordinance No. 24-36 adopted.

Ordinance No. 24-37, AN ORDINANCE AMENDING ORDINANCE NO. 23-190, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ENTERPRISE FLEET MANAGEMENT FOR THE LEASING OF CITY VEHICLES, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-37. This legislation will amend Ordinance No. 23-190. In 2023, Council approved the leasing of 11 vehicles in the Public Works Department. When the Public Works Director pursued the leases with Sourcewell Cooperative Program in 2024, there was a price increase of \$16,000, and Ordinance No. 23-190 must be amended to reflect the current costs of these vehicles.

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

No: None

Motion carried.

Ordinance No. 24-37 adopted.

Ordinance No. 24-38, AN ORDINANCE AWARDED A CONTRACT FOR THE WALKER ROAD PAVING PROJECT, PHASES 3 AND 4, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-38. This legislation will award a contract for the Walker Road Paving Project, Phases 3 and 4, to Crossroads Asphalt Recycling, Inc., of Columbia Station, Ohio, in the amount of \$975,482.50.

In response to Mr. Kos, City Engineer Howard stated that there will be a pre-construction meeting after the contract is awarded. The estimated completion date is July 19, and the project will probably be completed in phases.

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

No: None

Motion carried.

Ordinance No. 24-38 adopted.

Ordinance No. 24-39, AN ORDINANCE TO REZONE PERMANENT PARCEL NO. (PPN) 04-00-006-114-078 FROM A PUBLIC AND INSTITUTIONAL (P-I) DISTRICT TO LIMITED BUSINESS (B-1) DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will rezone PPN 04-00-006-114-078 from a P-I District to a B-1 District. The Planning Commission recommended the request of Lake Veterinary Properties, LLC, to rezone the 2.02-acre parcel on May 5, 2024.

Ordinance No. 24-40, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BUDDY BYERS AS FULL-TIME MUNICIPAL COURT BAILIFF, FIXING THE COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will confirm the appointment of Buddy Byers as the full-time Municipal Court Bailiff at a salary of \$54,577.54, effective April 29, 2024. Pursuant to ORC Section 1901.11, 3/5 of Ms. Byers' salary is paid by the City and 2/5 is paid by Lorain County.

PUBLIC INPUT

1. Gerald W. Phillips, 461 Windward Way, Avon Lake, asked why the purchase agreement was not attached to Ordinance No. 24-38 as an exhibit.

Law Director Ebert stated that the Ordinance recites that the purchase agreement is on file with the City. It was circulated to Council prior to this meeting for their review.

Mr. Phillips asked how an ordinance can be passed that does not incorporate the exhibit into the document. Based on his experience as a municipal lawyer, he believed that is illegal to not include the exhibit.

Law Director Ebert responded that the Ordinance references the agreement as being on file at City Hall, and it is not illegal to not include it.

Mr. Phillips stated that he does not know what the purchase agreement says because he hasn't seen it. He hopes there are warranties and covenants in the contract on hazardous waste, conditions, and representations to protect the City because if not, the City has made a bad deal. Are there any warranties and representations from the seller?

Law Director Ebert stated that there were. Earlier CUO Munro addressed Council¹ prior to the reading to answer questions. There is a 90-day due diligence period that starts tonight, and it gives the City the right to cancel the deal if environmental issues are discovered. The due diligence will be completed by ALRW's environmental group.

Mr. Shahmir stated that Verdantas is an environmental consulting firm hired by ALRW. The City will have access to the environmental data that ALERG has collected to date. There is a data gap phase and Verdantas will complete the environmental due diligence on behalf of ALRW and that data will be available to Council.

Council President O'Donnell informed Mr. Phillips that the City and ALRW are named as insureds on a \$15 million insurance policy dealing with environmental issues.

In response to Mr. Phillips, Law Director Ebert stated that he is unaware of the insurance premium cost.

Mr. Phillips stated that he heard City Engineer Howard² had a conflict with the tie-in connection to the City's storm sewer. He asked why there was a conflict because City Engineer Howard would only be inspecting ALERG's renovations and modifications to the property and not Bramhall's work.

City Engineer Howard responded that Bramhall prepared the plans for the coal pond stormwater management last year, and he could not review the plans.

Mr. Zuber informed Mr. Phillips that he should view past Council Meetings about the purchase of this property because most of his questions would be answered.

2. William Zimmerman, 241 Moorewood Avenue, Avon Lake, asked if he could project a document from his cell phone on the screen in the Chamber. Mrs. Fenderbosch offered to help.

Council President O'Donnell stated the document must be first reviewed by Law Director Ebert before it is viewed by the public.

The document was titled: Revised Speed Limits, Ohio Department of Transportation.

¹ Mr. Phillips arrived at the Council Meeting after CUO Munro, et al, addressed Council.

² City Engineer Howard is a contractor of the City, and he is employed by Bramhall Engineering & Surveying Company.

The ODOT document listed the speed limit on Lake Road (US 6) and Avon Belden Road (SR 83) as 35 mph, which was approved on July 9, 1958. Mr. Zimmerman stated that he has requested from the City copies of records that show when, how, why, and who changed the speed limit on Lake Road to 25 mph. The previous Administration informed him that they didn't have any records. He attended a Records Commission meeting Mayor Spaetzel held last week and was informed that the City doesn't have any records at this time. ODOT doesn't have any document in their control that says the speed limit is 25 mph. He asked if the City has a document that says the speed limit is 25 mph.

Law Director Ebert verified that the document displayed is from ODOT and not from the City and noted that a search of the City's records has been conducted and nothing has been found.

Mr. Zimmerman asked if ODOT sets the speed limits on all state routes.

Law Director Ebert stated that ODOT sets recommendations based on traffic studies, and City Engineer Howard was unable to find any traffic studies conducted in this area of Lake Road. This issue will be discussed by the Public Safety & Health Committee at their next meeting. He further explained that Avon Lake is a charter city, and a past Council could have changed the speed limit because it is within a business district.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Ms. Gentry announced that the Building & Utilities Committee received information about a NOPEC grant, and it will be placed on a future meeting agenda.

Mr. Arnold announced that Bella Pfeil, a diver on the High School Swim Team, was awarded the State Championship in Diving. Bella has competed in the State competition for the past three years and is the first State Champion Diver in Lorain County.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:39 p.m.

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

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