

**MINUTES OF THE SPECIAL MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JULY 29, 2024**

The special meeting of the Avon Lake Municipal Council was called to order on July 29, 2024, at 6 p.m. in the Council Chamber with Council President O'Donnell presiding.

Ms. Gentry led Council, staff, and the public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Amy Gentry, Marty O'Donnell, Rob Shahmir, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Ed Widman; City Engineer Chris Howard; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

Absent: Jennifer Fenderbosch and David Kos.

Also Present: Avon Lake Environmental Redevelopment Group (ALERG) Scott Reschly and Dan Rogatto, and Avon Lake Regional Water (ALRW) Chief Utilities Executive (CUE) Rob Munro.

MAYOR'S REPORT

Mayor Spaetzel reported that the City was notified in 2023 by ALERG that certain parts of the Power Plant would be imploded. The City was recently informed that implosions would occur between mid-July and mid-August. As time passed, ALERG refined the time frame of the demolition process and notified the City on July 28, 2024, that the implosion would occur this week. Mayor Spaetzel met with ALERG earlier today and reviewed the implosion plan. When the date and time are determined, the City will notify the residents and businesses the night before and, then again, 30 minutes before the implosion occurs. Boiler Nos. 9 and 10 are located behind the main building. ALERG has established a 1,200-foot exclusion zone around the implosion, and a graphic of its location was posted on the City's website. The City's Police and Fire Departments have been involved in the safety and security planning. Also, a perimeter will be established and cordoned off to keep spectators safe.

This will be an implosion and not an explosion. An explosion causes materials to disburse outwardly, and an implosion will take the steel down and cause the building to collapse; and debris will not fly. Instead, dust will occur, which is a major concern for many residents. Lake Road will close between Moore Road and Miller Road before the implosion to secure the area, and it will reopen after the implosion. All First Responders will have access to buildings, businesses, and Beachpark Tower in the immediate area. The residents at Beachpark Tower met with Mayor Spaetzel and Dan Rogatto of ALERG. Their questions were answered, and they were satisfied with the information provided to them. The implosion will occur when it is least disruptive to the City and the businesses in the area. Miller Road Park and the boat launch will be temporarily closed during that time.

The blast will take seconds, then the buildings will collapse. To prepare for this event, Mayor Spaetzel worked with Verdantas, the City's environmental consultants, to place air quality monitors around the site. The monitors will detect 21 metals, 18 polynuclear aromatic hydrocarbons, and asbestos. Currently, the monitors are gathering data to establish a baseline. They will monitor the event and continue to monitor the area a couple of days thereafter. Air quality monitors were also placed within the site by ALERG.

PUBLIC COMMENT

Nancy Collins, 4106 Aqua Marine Boulevard, Avon Lake, a life-long resident who lived near the BF Goodrich and Fruehauf Trailer Company factories, stated that she had experienced noxious fumes from those factories along with the fly ash from the Power Plant. After her mother developed breast cancer in the early 1990s, Nancy conducted an informal survey of all the original homeowners on her street. She found that there was at least one case of cancer in every house, and some had two cases per house. She doesn't want other families to experience this due to a lack of knowledge. She asked how the City will fix the air quality if the results come back poorly.

Mayor Spaetzel responded that if the results indicate high levels of a particular substance, then the City will present those results to ALERG, who will have to adjust future demolitions. They removed asbestos and washed down the boilers to prepare for the demolition.

Mr. Shahmir stated that there is a process called air dispersion modeling that considers the direction of wind, speed of wind, and stability of wind and asked if ALERG has completed this modeling and if the City's monitoring points are based on it. If so, are the results available?

Mayor Spaetzel will obtain the modeling results from ALERG. He was aware that Verdantas analyzed the City's modeling points based on the location they determined was best for air quality.

Lois Cole, 349 Champions Court, Avon Lake, asked if a risk assessment was conducted, and stated that assessing the air after the implosion appears that the City is behind. She found it frightening that the residents did not know more. She asked if the residents could be provided with more information about the implosion before it happens and whether it could be postponed.

Scott Reschly of ALERG responded to the question of a risk assessment. He stated that ALERG began a risk assessment of the Power Plant, which included a significant amount of due diligence on fly ash contaminants and other hazardous materials before the property was purchased to prepare a remediation plan for the site. Charah Solutions, the parent company, has been in business for over 35 years. They are an environmental solutions firm and have many projects around the country. The Power Plant is a Tier 1 Utility, and it was benchmarked for environmental risk assessments to ensure that the environment is safe for its workers and the public at the site. ALERG has evaluated many

factors to determine whether to eliminate or mitigate the risk and has prepared backup plans. The boilers have been washed, the coal yard cleaned, and the Ohio EPA has certified the asbestos removal. After the coal was removed from the site, extensive soil sampling was conducted to ensure that all contamination had been removed. Universal waste and other hazardous materials in the pumps were removed and safely disposed of. ALERG held monthly meetings with the City to discuss the risk assessment, and updates about the Power Plant have been placed on the City's website. Regarding the implosion, ALERG has taken extensive measures to mitigate dust, and several water canyons will be at the site. The equipment in the structures was cleaned to reduce some of the dust. Exclusion zones will be set up, and no one will be permitted within the zone. There will be dust, and windows should remain closed in the area. After the implosion, the streets will be reopened. ALERG has been working with local officials to ensure this event goes smoothly.

Mike McCormick, 32780 Webber Road, Avon Lake, stated that many residents do not monitor the City's website. He asked how protective measures were communicated to residents in the area.

Mayor Spaetzel stated that the City does its best to communicate with residents. Signs have been posted throughout the City encouraging residents to sign up for *Alert Avon Lake*, the City's text message tool used by residents without internet service. For those who have access to the internet, information is posted on the City's website, and an email is sent to those who have signed up to receive notifications.

Lisa Warnik, 115 Forest Hill, Avon Lake, asked why the date and time of the implosion weren't announced. She signed up for *Alert Avon Lake* and heard that the City would only send a text 30 minutes in advance.

Mayor Spaetzel stated that an alert message would be sent via voice mail, email, and text the night before the implosion. The message will give the time frame for the implosion that will occur the next day. Then another alert message will be sent 30 minutes before the implosion.

Alice Mitchell, 140 Miller Road, Avon Lake, asked if she should cover her air conditioner unit and who was responsible for any damage to her vehicle.

Mayor Spaetzel stated that dust on air conditioner units, cars, or houses can be washed off. ALERG is responsible for any damage and has set up a hotline that is posted on the City's website.

Glenn Schneider, 31757 Walker Road, Avon Lake, asked how ALERG's risk assessment report merges with the Ohio EPA's acceptance. What were the parameters for heavy metals? Was asbestos encapsulated or removed? He voiced his concern about inhaling or drinking particulates and asked for assurance from ALRW that they would do their best to remove them.

Mr. Reschly stated that technical aspects of the risk assessment would not be discussed in this forum.

Mr. Shahmir asked when such a forum could occur and stated that he has been requesting this information for two and a half years and has not received answers from ALERG.

Mr. Reschly stated that Mr. Shahmir was given answers to his questions; Mr. Shahmir disagreed and asked if ALERG completed a risk assessment for the implosion. He cited Chicago's demolition rules that require a hazardous material abatement plan, air quality monitoring plan, dust mitigation, and a site cleanup plan with modeling.

Mr. Reschly stated that a dust mitigation plan and modeling were completed, and it is part of ALERG's plan that was reviewed by the Ohio EPA.

Council President O'Donnell stated that Council would like to review ALERG's plan and requested a copy of it.

Kayla Goodwin, 31981 Grove Street, Avon Lake, voiced her concern that the elderly residents may not be aware of the implosion because they do not use technology and informed Council of two outdoor fundraiser events planned in the vicinity of the Power Plant that will occur within days of the implosion. She questioned why the larger corporations in Avon Lake, who report to the City, are not holding ALERG accountable.

Malachi Witt, 126 Woodstock Drive, Avon Lake, as a member of the Environmental Affairs Advisory Board (EAAB), stated that the City has not engaged EAAB on any environmental issues. The Board has resources and is available to help. He stated that there are other building materials at the site that contain asbestos, such as joint compounds and mastic seals, that will crumble during the implosion and PCBs found in concrete pads or soils. He asked Mr. Shahmir what the City will do if the air quality exceeds a safe standard.

Mr. Shahmir could not answer Mr. Witt's question and reiterated that a review of the air quality monitoring plan by the City would help ease the concerns of residents.

Doug Donovan, 541 Capri Court, Avon Lake, stated that he recently moved into Avon Lake, and today was the first time he heard about the implosion. He asked if the City has held other meetings on this issue before and if the swimming pool and school activities will close during the implosion. Will the implosion kill fish and contaminate the water? Has the Ohio EPA or Federal EPA given credence that everything is okay?

Mayor Spaetzel stated that the City has known since 2023 that implosions would occur, and information has been posted on the City's website through prior Community Improvement Corporation (CIC) meetings. The City is coordinating the timing of the implosion with ALERG to avoid school activities. There will be dust, but how far it will travel is unknown, and it will be based on weather conditions. ALERG will evaluate what the model indicates during this time of year, and every factor will be considered when deciding on the date

and time of the implosion. The City has an environmental consultant who will be providing air quality monitoring equipment.

ALRW CUE Rob Munro could not answer Mr. Donovan's question on the impact of the fish because that was not his area of expertise but responded to water contamination. He explained that ALRW's Water Filtration Plant monitors the intake of raw water continuously. If any contamination is found in Lake Erie, the facility is equipped to treat the water, and is committed to providing high-quality water for its customers.

Mr. Shahmir spoke on the issue of the fish kill and stated that the projected shock wave from the implosion should resonate into the water base. Particulates that go into the water will enter the food cycle. When fish is consumed, those particulates embed into fatty tissue, and that is where it could cause cancer.

ALRW CUE Munro reassured Council that ALRW has taken steps to protect the City's water source during the Power Plant's demolition activities and is required by the Ohio EPA to conduct testing for asbestos annually. Recently, they increased that testing to quarterly and have not found asbestos in the raw water.

Dan Rogatto of ALERG stated that asbestos was found in the compounds and mastic, but it was removed. During the asbestos mitigation, people certified in the removal of asbestos were on site inspecting all areas that were uncovered.

Catherine Karl, 348 Champions Court, Avon Lake, encouraged the Mayor when considering the City's communication plan, the impact the implosion could have on people attending upcoming festivals, visiting parks, or participating in recreational programming activities.

Melissa Clifford, 194 Beck Road, Avon Lake, stated that she owns a business on Lake Road across from the Power Plant and stressed that communication about the implosion is paramount. She noticed that there isn't enough communication and would like to see someone from ALERG as the point person for information and to be more forthcoming. As a business owner, she asked for 24 hours' notice to afford her time to protect her business from the blast. Also, she supports laws that enforce the permitting process of implosions on commercial and industrial properties.

Council President O'Donnell acknowledged that the City does not have any ordinances that provide this type of permitting, and Council should consider legislation in the future.

Lynn Gates-Maroon, 143 Woodstock Drive, Avon Lake, asked if the dust from the implosion will only travel 1200 feet, or the length of the barrier, and then falls onto yards, houses, and other property. If the dust goes into the groundwater, how will it be mitigated?

Mr. Reschly stated that the 1200-foot perimeter is the protection zone for personnel, and the dense dust will settle out and go beyond 1200 feet, and it will fall. All the hazardous materials have been removed. ALERG has an air quality monitoring plan, a dust control

plan, and a cleanup plan. The streets will be cleaned, and cars will be washed in the immediate area. They will respond to other items related to the implosion.

Mr. Shahmir asked to review their plans. He stated that if air quality samples are not taken the week before the implosion, ALERG will not know what the concentration is. The trend is to take samples from zero to six inches in an area where there is a potential impact. He asked if soil samples had been taken.

Mr. Reschly responded that ALERG has taken soil samples throughout their property.

Council President O'Donnell agreed that Council needs more information to get a better understanding of the impact of the implosion. The community supports the Power Plant's demolition, but the City wants to ensure that it is done safely. He asked Mr. Reschly if he would return to his associates and discuss the possibility of delaying the implosion for a month. This would allow the City to review ALERG's plan and timeline to ensure that it is done correctly before the major stacks and towers are imploded later this year.

Jordana Revella, 228 Westwind Drive, Avon Lake, encouraged ALERG to delay the implosion and to ensure communication is given regarding what precautions residents should take to protect their property.

Glenn Sonnenlitter, 33703 Lake Road, Avon Lake, stated that his home is across from the Power Plant. During the demolition process, his car was covered with dust and there was a lot of debris on his property. He has spoken with Mr. Rogatto, who has given him some information. He asked what the parameters for the risk assessment are and stated that the wind's mile per hour and its direction are important factors. Water cannons cannot prevent the dust. There have been discussions about what isn't in the dust. He would like to know what will be in the dust. His family will be exposed while everyone waits seven days for air quality results.

Mr. Zuber stated that ALERG has been meeting with the City regularly, and they have been reviewing the demolition activity at the Power Plant. He urged everyone to review that information on the City's website and stated that the meetings were videotaped. The City has known about this implosion for a while.

Mr. Arnold confirmed that ALERG has been communicating with the City for the past two years, and the City has posted information on the City's website. However, Mr. Shahmir and other Council members have felt more information is needed. Council knew about the implosion but did not know what day it would occur, and he was unsure if it could be postponed at this point.

Mr. Shahmir asked Mayor Spaetzel if Verdantas could share their air quality monitoring plan. He encouraged ALERG to delay the implosion to allow Council time to review their plan, which should be done. The community has given Council a clear message that they want to see and know what's behind this implosion.

Gerald Phillips, 461 Windward Way, Avon Lake, stated that ALERG wants the community to trust them, and the community wants proof that the work they reported was done. The information posted on the City's website is general. There aren't reports, studies, permits, or the certification of asbestos removal. He disagreed with a notice given to residents 30 minutes before the implosion and stated that the date and time could be published in newspapers or notices sent in the quarterly billing from ALRW.

Mayor Spaetzel stated that the City could publish a date, but the date will be determined on the weather conditions. If a date is published, and it changes, people will be upset; the notice must be instantaneous.

Ms. Gentry stated that she believes ALERG has done the required work, and Council must see the work. Until that happens, the community will not feel safe.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, stated his belief that Mayor Spaetzel hasn't been transparent. He urged ALERG to postpone the implosion. He acknowledged Mr. Shahmir's expertise in this matter and the trust others have in him.

Council President O'Donnell reiterated his request to have Mr. Reschly take the proposal of delaying the implosion to ALERG. The City wants to work with ALERG, but the residents need more information to quell their fears. This is the first time the City has gone through a process like this, and it's very technical.

MOTION

Mr. Shahmir moved to authorize the Public Works Director to advertise for bids for Avon Lake Play Space, (ALPS), Phase I, which will include necessary concrete flat work, seating walls, turf installation, and swing seating and installation.

Public Works Director Liskovec requested authorization to advertise for bids for ALPS, Phase I. The City and Kimbly-Horn and Associates, Inc., decided that ALPS would be constructed in two phases. Phase I will be a collaborative effort between the Public Works Department and Kimbly-Horn. The Public Works Department will relocate an existing hill to create a multi-seasonal sledding hill. At the top of the sledding hill, swings and a seating area will be installed that will offer the best vantage point of Lake Erie.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

LEGISLATION

Third Reading:

Ordinance No. 24-84R, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FULL-TIME SENIOR PROGRAM ASSISTANT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION AND DECLARING AN EMERGENCY, was read by title only.

Mr. Zuber moved for passage of Ordinance No. 24-84R. This legislation was recommended by the Human Resources Committee weeks ago and was removed from the agenda last month to give the Union, the HR Director, and the Law Director an opportunity to meet and negotiate this new position. Revisions were made to the job description to reflect that the position will be in Local 836-1.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-84R adopted.

First Readings:

Ordinance No. 24-105, AN ORDINANCE AWARDING A CONTRACT FOR THE 2024 ASPHALT STREET PROGRAM TO D.L. SMITH CONCRETE, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-105. This legislation will award a contract for the 2024 Asphalt Street Program to D.L. Smith Concrete, LLC, of Norwalk, Ohio, for the base bid of \$750,991.90 and an add alternate of \$298,645.90, totaling \$1,049,637.80.

The asphalt streets included in the Program are Vineyard Road, from Electric Boulevard to Division Road; the add alternate is Redwood Boulevard, from Duff Road to Ashwood Drive.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-105 adopted.

Ordinance No. 24-106, AN ORDINANCE AWARDING A CONTRACT FOR THE 2024 CONCRETE STREET PROGRAM TO DENES CONCRETE, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-106. This legislation will award a contract for the 2024 Concrete Street Program to Denes Concrete, Inc., of Wellington, Ohio, for the base bid of \$2,073,856 and add alternate of \$99,690, totaling \$2,173,546.

The concrete streets included in the Program are Brunswick Drive, from Lake Road to Regatta Drive, and Stoney Brook Drive to Greenbriar Drive; the add alternate is Mariner's Court.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-106 adopted.

Ordinance No. 24-107, AN ORDINANCE AWARDING A CONTRACT FOR OUTFALL REHABILITATION AT 31922 LAKE ROAD, AVON LAKE, OHIO, TO COLE EXCAVATING, LLC, AND DECLARING AN EMERGENCY, was read by title only.

Ms. Gentry moved for suspension of the rule requiring three readings.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ms. Gentry moved for passage of Ordinance No. 24-107. This legislation will award a contract for outfall rehabilitation at 31922 Lake Road to Cole Excavating, LLC, of Berea, Ohio, in the amount of \$214,860.

Public Works Director Liskovec noted that this is one of three outfalls that will be rehabilitated this year. KS Associates, Inc., of Elyria, Ohio, designed the plans for the project, and the City obtained an easement to access the property.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-107 adopted.

Ordinance No. 24-108, AN ORDINANCE AUTHORIZING FUNDS FOR CONTINUED LEGAL SERVICES TO TODD DAVIS, ESQ., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-108. This legislation will authorize funds for continued legal services by Todd Davis, Esq., for Brownfield Redevelopment and the West End Redevelopment services for an amount not to exceed \$40,000.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-108 adopted.

Ordinance No. 24-109, AN ORDINANCE AUTHORIZING FUNDS FOR CONTINUED ENVIRONMENTAL SERVICES FOR THE OHIO BROWNFIELD REMEDIATION PROGRAM, PHASE II, TO VERDANTAS, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-109. This legislation will authorize funds for continued environmental services for the Ohio Brownfield Remediation Program, Phase II, from Verdantas, LLC, of Dublin, Ohio, for an amount not to exceed \$20,000.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-109 adopted.

Ordinance No. 24-110, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE BOARD OF EDUCATION OF THE AVON LAKE CITY SCHOOL DISTRICT FOR THE SCHOOL RESOURCE OFFICER PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-110. This legislation will authorize the Mayor to execute a Memorandum of Understanding (MOU) with the Board of Education of the Avon Lake City School District for the School Resource Officer (SRO) Program.

Chief Molnar stated that the negotiations of this MOU began in the spring, and Superintendent Magyar intends to present the MOU to the School Board on August 20, 2024, for passage before the school year begins.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Ordinance No. 24-110 adopted.

Mr. Arnold moved for adjournment.

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

No: None

Absent: Fenderbosch, Kos

Motion carried.

Adjournment: 7:52 p.m.

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

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