

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

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

Mr. Kos 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; City Engineer Chris Howard; and Clerk of Council Valerie Rosmarin.

Absent: Public Works Director Jon Liskovec.

**LEGISLATION**

**Ordinance No. 24-111**, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 240, SECTION 1, COMPOSITION OF POLICE DEPARTMENT, REPEALING ORDINANCE NO. 23-115, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-111. This legislation will amend Codified Ordinance Section 240.01 by providing a temporary increase in the Police Department's composition whenever there is a vacancy. After the vacancy is filled, the Department's complement will revert to the composition established in Section 240.01.

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

No: None

Motion carried.

**Ordinance No. 24-111 adopted.**

**Ordinance No. 24-112**, AN ORDINANCE CONFIRMING THE APPOINTMENT OF LES CARRENDER AS LIEUTENANT 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: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry  
No: None  
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-112. This legislation will confirm the appointment of Les Carrender to the position of Lieutenant in the Police Department at the hourly rate of \$54.67/hour, effective August 27, 2024. The Civil Service Commission conducted a promotional test, and Mr. Carrender was the next eligible candidate on the certified list.

Yes: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry  
No: None  
Motion carried.  
**Ordinance No. 24-112 adopted.**

Law Director Ebert administered the Oath of Office to Les Carrender.

**Ordinance No. 24-113, AN ORDINANCE CONFIRMING THE APPOINTMENT OF TIMOTHY SCHLEICHER AS SERGEANT 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: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry  
No: None  
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-113. This legislation will confirm the appointment of Timothy Schleicher to the position of Sergeant in the Police Department at the hourly rate of \$48.38/hour, effective August 27, 2024. The Civil Service Commission conducted a promotional test, and Mr. Schleicher was the next eligible candidate on the certified list.

Yes: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry  
No: None  
Motion carried.  
**Ordinance No. 24-113 adopted.**

Law Director Ebert administered the Oath of Office to Timothy Schleicher.

## **APPROVAL OF MINUTES**

The minutes of the regular Council Meeting on June 24, 2024, were approved as prepared and published.

## **MAYOR'S REPORT**

### Avon Lake Play Space (ALPS) Update

Phase 1 of ALPS construction will be reviewed by Planning Commission next week. The Public Works Department will complete the site work, and the City will go out for bid on several parts of Phase 1. The hill in Bleser Park will be repositioned northwest from its current location to provide access and views of the lake. It encompasses an all-season sledding hill, and swings will be installed at the top to take advantage of views. The City will begin designing Phase 2, to be completed by November, and then present it to the public for input.

Mr. Zuber asked Mayor Spaetzel for an update on the work at City Hall because it has been a burden on the Council Clerk and her staff.

Mayor Spaetzel stated that the City is waiting for approval of the reconstruction work from the insurance adjuster before it can move forward. The insurance company has been unresponsive with this project, and other staff members at City Hall have been displaced as well.

Law Director Ebert reported that contractors have removed all the asbestos and tile flooring. He and Public Works Director Liskovec have had numerous conversations with the insurance adjuster. The City is waiting for final approval of the reconstruction work.

## **COUNCIL PRESIDENT'S REPORT**

Council President O'Donnell reported that in observation of Labor Day, the Collective Committee Meeting has been rescheduled for Tuesday, September 3, 2024, at 7 p.m. The next regular Council Meeting will be on Monday, September 9, 2024, at 7 p.m.

## **LAW DIRECTOR'S REPORT**

Law Director Ebert commented on the Public Records Request Policy and stated that requests are usually received by the Clerk of Council, the Mayor, or Law Department. Recently, a resident asked him why another department responded to her public records request. All requests are circulated to Department Heads or their staff in case they also have received emails relevant to the public records requested. This process will ensure that the City is obtaining all documents related to a request.

## **BUILDING AND UTILITIES COMMITTEE REPORT**

Ms. Gentry reported that the Building and Utilities Committee met on August 19 and discussed the proposed ordinance for explosion/implosion of commercial building. She was notified by Columbia Gas that they are available to attend a future Council Meeting to discuss gas line safety. She learned that there were water main breaks from

the recent storm and eight utility poles fell along the railroad tracks. Also, Avon Lake Regional Water had to supply Elyria with water for 36 hours due to a power loss.

The next meeting of the Building and Utilities Committee will be held on Monday, September 16, 2024, at 5 p.m. in the Council Chamber.

#### **COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT**

The next meeting of the Communications, Environmental, and Recreational Programming Committee will be held on Monday, September 23, 2024, at 6 p.m. in the Council Chamber.

#### **ECONOMIC DEVELOPMENT COMMITTEE REPORT**

Mr. Arnold reported that the Economic Development Committee met on August 19 and discussed a contract for professional services with Kleinfelder to create an Economic Recovery and Resiliency Plan.

#### **HUMAN RESOURCES COMMITTEE REPORT**

The next meeting of the Human Resources Committee will be held on Monday, September 9, 2024, at 6 p.m. in the Council Chamber.

#### **PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**

Mr. Kos reported that the Public Safety and Health Committee met on August 22, 2024, and accepted the FEMA grant award for the Fire Department, the sale of an ambulance, and the purchase of Police vehicles. In the wake of the tornado and power outage that affected many residents in Avon Lake, the Committee discussed the Community Disaster Plan. The Safety Director, Police Chief, and Fire Chief will consider revisions and return to the Committee in November with an update.

#### **PUBLIC SERVICE COMMITTEE REPORT**

The next meeting of the Public Service Committee will be held on Tuesday, September 10, 2024, at 6 p.m. in the Council Chamber.

#### **PLANNING COMMISSION REPORT**

The next meeting of the Planning Commission will be held on Wednesday, September 4, 2024, at 7 p.m. in the Council Chamber.

## **ZONING BOARD OF APPEALS REPORT**

The next meeting of the Zoning Board of Appeals will be held on Wednesday, August 28, 2024, at 7 p.m. in the Council Chamber.

## **TREE COMMISSION REPORT**

Mrs. Fenderbosch reported that two members of the Tree Commission will attend their Senior Academy classes with the Division of Forestry in October. The City of Avon's Tree Commission organized a special tour with Dr. Chatfield at the Seacrest Arboretum on September 10, 2024, at 10 a.m. at 2122 Williams Road, Wooster, Ohio.

The next meeting of the Tree Commission will be held on Wednesday, September 11, 2024, at 5:30 p.m. at the Old Firehouse.

## **MOTIONS**

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a new liquor license for Shiva Shakti 4, LLC, 33501 Lake Road, Units G & H, indicating the City does not request a hearing.

This establishment is also known as Larry's Liquor Store, and the new owner has applied for a transfer of the liquor license. Police Chief Molnar has reviewed this application and does not request a hearing.

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

No: None

Motion carried.

Council President O'Donnell moved to permit Mr. Arnold from being excused from voting on Ordinance Nos. 24-120, 24-121, 24-122, and 24-123 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold is unable to vote on these ordinances.

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

No: None

Motion carried.

Mr. Zuber moved to accept the resignation of Finance Director Edward Widman, effective August 5, 2024. Mr. Widman resigned from the position of Finance Director during Council's recess, and this motion will confirm Council's acceptance.

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

No: None

Motion carried.

Mr. Zuber moved to accept the resignation of Public Works Mechanic Steve Duerk due to his retirement, effective August 31, 2024. After 29 years of service in the City, Mr. Duerk has decided to retire.

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

No: None

Motion carried.

Mr. Zuber moved to appoint Bob Brooks, Eric Kreig, and Patricia Tokarcik to the Citizen Review Ad Hoc Committee commencing August 27, 2024, and ending October 31, 2024. This Committee will review the salaries of the Mayor and Council and will recommend increases, if any.

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

No: None

Motion carried.

Mr. Shahmir moved to authorize the Mayor, or his designee, to submit an application for the Ohio Assisting Local Government Entities Grant. This is a grant through the State of Ohio that will enable the City to bolster cyber security.

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

No: None

Motion carried.

## LEGISLATION

Mr. Arnold moved to add Ordinance No. 24-129 to the agenda.

Community Development Director Ted Esborn stated that Ordinance No. 24-129 pertains to an agreement for consulting services for an Economic Recovery and Resiliency Plan. The City will receive a \$75,000 grant, with a 50% match, for the Economic Development Administration.

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

No: None

Motion carried.

### Second Reading:

**Ordinance No. 24-104, AN ORDINANCE AUTHORIZING THE MAYOR TO ESTABLISH COMPENSATION FOR CERTAIN PART-TIME EMPLOYEES, REPEALING ORDINANCE NO. 22-145, AND DECLARING AN EMERGENCY,** was read by title only.

This legislation will authorize the Mayor to establish compensation for certain part-time employees and repeal Ordinance No. 22-145. Currently, the Mayor can hire a part-time employee at a rate up to \$21.22 per hour. Since the effective date of Union

contracts has changed from July 1 to January 1, it is necessary to align all pay increases for all positions to January 1.

First Readings:

**Ordinance No. 24-114**, AN ORDINANCE AUTHORIZING THE EMPLOYMENT OF PATRICIA SCHROER AS A PART-TIME POLICE DISPATCHER/RECORDS CLERK 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: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-114. This legislation will authorize the employment of Patricia Schroer as part-time Police Dispatcher/Records Clerk in the Police Department at the hourly rate of \$25.85, effective August 27, 2024. After the retirement of Mrs. Schroer as the full-time Police Dispatcher/Records Clerk, she has agreed to return to that position in a part-time capacity.

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

No: None

Motion carried.

**Ordinance No. 24-114 adopted.**

**Ordinance No. 24-115**, AN ORDINANCE CONFIRMING THE APPOINTMENT OF PATRICIA KNIP TO THE POSITION OF SENIOR PROGRAM ASSISTANT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-115. This legislation will confirm the appointment of Patricia Knip to the position of Senior Program Assistant in the Recreation Department at the hourly rate of \$23, effective August 27, 2024.

Mayor Spaetzel stated that the City's programming for Seniors has increased, and there is a need to have a full-time employee staffed at the Senior Center. Mrs. Knip has been working at the Senior Center in a part-time capacity for 12 years. This step will allow the City to continue to provide well-rounded and comprehensive services for the Seniors in Avon Lake.

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

No: None

Motion carried.

**Ordinance No. 24-115 adopted.**

**Ordinance No. 24-116**, AN ORDINANCE CONFIRMING THE MAYOR'S INTERIM APPOINTMENT OF EDWARD WIDMAN TO THE POSITION OF FINANCE DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-116. This legislation will confirm the appointment of Edward Widman as the Interim Finance Director at the hourly rate of \$64.92. Mr. Widman resigned as the Finance Director on August 5, 2024, and became the Finance Director in the City of Huron. He has agreed to be the Interim Finance Director until the City has found his replacement.

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

No: None

Motion carried.

**Ordinance No. 24-116 adopted.**

**Resolution No. 24-117**, A RESOLUTION AUTHORIZING THE SALE OF AN UNNEEDED VEHICLE IN THE FIRE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Resolution No. 24-117. This legislation will authorize the sale of a 2018 International ambulance from Horton Emergency to the Village of Grafton in the amount of \$20,000. This ambulance is no longer needed by the Fire Department.

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

No: None

Motion carried.

**Resolution No. 24-117 adopted.**



**Ordinance No. 24-118**, AN ORDINANCE AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE 2023 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-118. This legislation will authorize the Mayor to take all actions necessary to accept the 2023 Assistance to Firefighters Grant (AFG) from the U.S. Department of Homeland Security in the amount of \$92,995.45 to upgrade the Fire Department's exhaust system.

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

No: None

Motion carried.

**Ordinance No. 24-118 adopted.**

**Ordinance No. 24-119**, AN ORDINANCE AWARDED A CONTRACT FOR THE 2024 CRACK SEALING PROGRAM TO SCODELLER CONSTRUCTION, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-119. This legislation will award a contract for the 2024 Crack Sealing Program to Scodeller Construction, Inc., of Cuyahoga Heights, Ohio, for the base bid of \$54,463.19, the Add Alternate 1 of \$4,549.19, the Add Alternate 2 of \$6,056.57, the Add Alternate 3 of \$9,748.27, and the Add Alternate 4 of \$18,765.41.

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

No: None

Motion carried.

**Ordinance No. 24-119 adopted.**

**Ordinance No. 24-120**, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING COMPANY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None.

Abstention: Arnold

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-120. This legislation will authorize engineering consultant services with Bramhall Engineering & Surveying Company of Avon, Ohio, for design services for the widening of SR 83 from the railroad tracks to Ryeberry Lane for a proposed restaurant and wine bar at 732 Avon Belden Road in an amount to not exceed \$48,500. The developer of the restaurant will contribute to the cost for widening the road to accommodate a turn lane for the restaurant.

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

No: None.

Abstention: Arnold

Motion carried.

**Ordinance No. 24-120 adopted.**

**Ordinance No. 24-121, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING COMPANY AND DECLARING AN EMERGENCY, was read by title only.**

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

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

No: None.

Abstention: Arnold

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-121. This legislation will authorize a professional services contract with Bramhall Engineering & Surveying Company of Avon, Ohio, for design services for the installation of a Rectangular Rapid Flashing Beacon (RRFB) and high-visibility crosswalk markings on the west side of Walker Road, Moorewood Avenue, and Midship Drive intersection in an amount to not exceed \$16,500.

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

No: None.

Abstention: Arnold

Motion carried.

**Ordinance No. 24-121 adopted.**

**Ordinance No. 24,122, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING COMPANY FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION OF THE 2024 ASPHALT ROAD PROGRAM AND DECLARING AN EMERGENCY,** was read by title only.

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

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

No: Shahmir.

Abstention: Arnold

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-122. This legislation will authorize a professional services contract with Bramhall Engineering & Surveying Company of Avon, Ohio, for construction observation and contract administration services for the 2024 Asphalt Road Program in an amount to not exceed \$32,320.

Mr. Shahmir asked for an explanation of the provision for overtime in the contract, specifically, the compensation period of zero to two hours. If half an hour of overtime occurs, then two hours of overtime costs will be assessed. If two hours of overtime occurs, then four hours of overtime costs will be assessed, and so on. In an eight-hour cycle, the City would pay \$560 for beginning work, and \$560 if overtime of 4.15 hours occurs. He stated that the contract does not make sense to him.

City Engineer Howard stated that this term in the contract is standard for any community, and Bramhall has been operating under these terms for the last 28 years. Their employees are paid hourly and work at the will of the contractor. If the contractor doesn't show up and an employee shows up and Bramhall doesn't have another job site to send them to, it is only fair that the employee is paid. This is standard practice in the industry. If a contractor works four, 10-hour days, there are two hours of overtime per day that an employee is entitled to by law.

Mr. Shahmir responded that the contract has overtime as 1.5 hours, then the next line in the contract has it at four hours or two times. If there is a call out on a holiday or on an emergency basis and Bramhall works for four hours, then it runs into 4.5 hours. At that point in time, the City will have to pay \$1,200 for that service. It would not only pay for overtime but will have to pay for the next four hours at that overtime rate. Based on the terms of the contract, Mr. Shahmir believed there were too many variables, and he took exception to it.

City Engineer Howard stated that traditionally, there is never weekend work unless the contractor is behind. Bramhall has not charged cities if their employees work five hours on a weekend because that is unusual. During the week, however, contractors try to catch up and will work five, 10-hour days, or 50 hours. During those situations, Bramhall has to pay their employees 10 hours of overtime.

In response to Mr. Shahmir's request, City Engineer Howard will provide him with a contract from the City of Vermilion.

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

No: Shahmir.

Abstention: Arnold

Motion carried.

**Ordinance No. 24-122 adopted.**

**Ordinance No. 24-123**, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING COMPANY FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION OF THE 2024 CONCRETE STREET PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Shahmir.

Abstention: Arnold

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-123. This legislation will authorize a professional services contract with Bramhall Engineering & Surveying Company of Avon, Ohio, for construction observation and contract administration services for the 2024 Concrete Road Program in an amount to not exceed \$60,600.

Mr. Shahmir reaffirmed his issue with overtime charges and termination periods of jobs but did not disagree with the services required.

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

No: Shahmir.

Abstention: Arnold

Motion carried.

**Ordinance No. 24-123 adopted.**

**Resolution No. 24-124**, A RESOLUTION AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE OHIO ENVIRONMENTAL PROTECTION AGENCY (EPA) H2OHIO CHLORIDE RIVER INITIATIVE REDUCTION STATE GRANT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-124. This legislation will authorize the Mayor to accept a grant from the Ohio EPA for the H2Ohio Chloride River Initiative Reduction to purchase equipment upgrades that will prevent over application of road salt on City streets and runoff into Lake Erie in the amount of \$75,000. The City will implement this pre-treatment program that will use less salt on the City's roads and produce less runoff into Lake Erie and less corrosion on the City's and residents' vehicles.

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

No: None

Motion carried.

**Resolution No. 24-124 adopted.**

**Resolution No. 24-125**, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-125. This legislation will authorize the Mayor to prepare and apply to the Ohio Public Works Commission to participate in the state capital improvement and local transportation program that will provide financial assistance for capital improvements to public infrastructure. The project slated for this grant will be Jaycox Road to Lear Road.

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

No: None

Motion carried.

**Resolution No. 24-125 adopted.**

**Resolution No. 24-126**, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-126. This legislation will approve the use of submerged lands at 31992 Lake Road to construct the proposed shore structure to prevent shoreline erosion. The City has determined that the submerged lands for the project are not necessary or required for the construction, maintenance, or operation by the City of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements, marginal highways, or any kind of utility.

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

No: None

Motion carried.

**Resolution No. 24-126 adopted.**

**Resolution No. 24-127, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PROJECT GRANT/LOAN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC) FOR THE WALKER ROAD PHASE 5 REHABILITATION PROJECT AND DECLARING AN EMERGENCY,** was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-127. This legislation will authorize the Mayor to enter into a grant and loan agreement with the OPWC for the Walker Road Phase 5 Rehabilitation Project.

In 2023, Resolution No. 23-143 was passed authorizing the Mayor to apply for financial assistance from the OPWC State Capital Improvement Program for infrastructure improvements on Walker Road from Moore Road, west to the former railroad tracks at the coal pile. The City's application was approved, and OPWC agreed to provide funding by a grant in the amount of \$400,000 and a loan at zero-percent interest in the amount of \$150,000.

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

No: None

Motion carried.

**Resolution No. 24-127 adopted.**

**Ordinance No. 24-128, AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE FORD INTERCEPTOR VEHICLES FOR THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY,** was read by title only.

This legislation will authorize the purchase of three Ford Interceptor vehicles for the Police Department from Liberty Ford of Maple Heights, Ohio, in the amount of \$133,200.

**Ordinance No. 24-129**, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH KLEINFELDER, INC., TO CREATE AN ECONOMIC 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: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-129. This legislation will authorize the Mayor to execute a personal services agreement with Kleinfelder, Inc., of Bowling Green, Ohio, in the amount of \$149,752 for the development and implementation of an Economic Recovery and Resiliency Plan. The Plan includes discovery, collaboration, development, adoption, and implementation. The City received a \$75,000 grant to offset the cost of this contract.

Mr. Shahmir asked if he could be included in the conceptual development of the Plan.

Mr. Arnold responded that Council will be involved along with collaboration and input of City stakeholders.

Mrs. Fenderbosch stated that Community Development Director Esborn shared with Council that a pilot group would be created internally to help Kleinfelder with the Plan.

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

No: None

Motion carried.

**Ordinance No. 24-129 adopted.**

## **PUBLIC INPUT**

1. Gerald Phillips, 461 Windward Way, Avon Lake, addressed Council and opined that the City's environmental consultants failed to advise Council about what ordinances and regulations for demolitions, implosions, and explosions the City should have. He was aware that the Building and Utilities Committee is working to pass legislation, but it will take time. When cities are faced with an issue where they need to enact laws, they will pass a moratorium to give time to draft the needed regulations. He has drafted a moratorium ordinance on demolitions, implosions, and explosions that will protect the community. At the July 29, 2024,

Special Council Meeting, residents asked Avon Lake Environmental Redevelopment Group (ALERG) to hold off the implosions, and Council President O'Donnell also requested ALERG to postpone it. The purchase agreement refers to an option of the NRG property, that it to be sold by ALERG to NRG, Ohio, 4 LLC; instead, Avon Lake Regional Water purchased it. The property description was not included in the purchase agreement or the option to sign an agreement. He heard that there is a \$15 million insurance policy, and he would like for someone to show where that policy is referenced in the agreement because he couldn't find it.

He asked Mr. Shahmir if ALERG has a Voluntary Action Program (VAP) with the Ohio Environmental Protection Agency and have they adopted it.

In response, Mr. Shahmir stated that nothing has been submitted to the Ohio EPA under the VAP by ALERG.

Law Director Ebert stated that Exhibit E of the purchase agreement, Condition, A-1, A-2, A-3, require sampling, testing, and analysis consistent with a VAP in parameters. It stated that one must use a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory.

Mr. Phillips asked if any of those conditions have been done. Did the City close on the purchase before obtaining the information and all required documents? Were samples taken under the excavation?

2. William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council and stated that he has asked that the Mayor be relieved of his duties as Safety Director and believed it would be in the public's health, safety, and best interests that the City hire someone in the position full-time. A noise violation citation was never issued to the company who imploded the building at the Power Plant on August 1, 2024. He also asked that the Law Director's position become an elected position, and he is circulating a petition to have that placed on the ballot. He noted that at the August 19, 2024, Economic Development Committee meeting, the agenda incorrectly lists the ORC section as 121.11(G)(1) for executive session instead of ORC 121.22(G)(5). Therefore, he believed the executive session was illegal and in violation of the Sunshine Law. Once again, he pleaded with Council to form a committee for citizens against corruption with a budget of \$50,000 to monitor the activities of elected officials. Also, he reiterated his previous request to videotape committee meetings, and he has begun video recording meetings that he will post on Facebook.

Council Clerk Rosmarin responded to Mr. Zimmerman's assertion about the Economic Development Committee agenda. Prior to this meeting, Mr. Zimmerman asked her about the agenda, and she explained that there was a typographical error on it. However, she attended the meeting and noticed the error, but the motion Mr. Arnold made was correct and will be recited as such in the minutes.



Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:36 p.m.

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

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