

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
September 23, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on September 23, 2024, at 7:18 p.m. in the Council Chamber with Acting Council President Fenderbosch presiding.

Acting Council President Fenderbosch led Council, staff, and the public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, 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.

MOTIONS

Acting Council President Fenderbosch moved to nominate Geoffrey R. Smith as Council At-Large Representative.

Mr. Smith was the former Avon Lake Law Director for 14 years and served as Assistant Law Director and the Administrative Legal Counsel in other communities. He has been in private practice for over 40 years and brings to the City a wide array of knowledge and problem-solving abilities. He was involved in the expansion of City parks and the land purchase where the Safety Center was built. He was also instrumental in the creation of the Land Use Plan and Zoning Code.

Mr. Kos stated that one of the criteria he was looking for in a candidate was someone who could fill the void of the former Council President Marty O'Donnell's experience and who knew how cities operated. Mr. Smith is a consensus builder, a team player, and a problem solver, and he knows how cities operate.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold

No: None

Motion carried.

Acting Council President Fenderbosch moved to appoint Geoffrey R. Smith as Council At-Large Representative for a term expiring December 31, 2025.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold

No: None

Motion carried.

Mayor Spaetzel administered the Oath of Office to Geoffrey R. Smith.

Acting Council President Fenderbosch moved to approve the 2024-2025 Council Committees, as follows:

- Mr. Kos, Chair of the Public Safety and Health Committee, member of the Human Resources Committee and the Public Service Committee, and Council Representative of the Historical Preservation Commission.
- Ms. Gentry, Chair of the Building and Utilities Committee and member of the Communications, Environmental, and Recreational Programming Committee; the Public Health and Safety Committee; and the Walker Road Park Ad Hoc Committee.
- Mr. Shahmir, Chair of the Communications, Environmental, and Recreational Programming Committee; member of the Building and Utilities Committee, the Economic Development Committee, and the Walker Road Park Ad Hoc Committee; and Council Representative of the Digital Media Commission, the Environmental Affairs Advisory Board, and the Parks and Recreation Commission.
- Acting Council President Fenderbosch, Chair of the Public Service Committee, member of the Economic Development Committee and the Finance Committee, and Council Representative of Planning Commission and Tree Commission.
- Mr. Arnold, Chair of the Economic Development Committee, member of the Building and Utilities Committee and the Public Service Committee, and Council Representative of the Community Improvement Corporation (CIC).
- Mr. Zuber, Chair of the Finance Committee and member of the Communications, Environmental, and Recreational Programming Committee; the Human Resources Committee; and the Walker Road Park Ad Hoc Committee.
- Mr. Smith, Chair of the Human Resources Committee, member of the Finance Committee and the Public Safety and Health Committee, and Council Representative of the Community Relations Board.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold

No: None

Motion carried.

Mr. Kos moved to nominate Jennifer Fenderbosch as Council President.

Acting Council President Fenderbosch has been a member of Council for the past 16 years and has served as Council Pro Tem for the past 8 years. She is well organized has a strong work ethic, and cares deeply about the City. She has chaired many committees and has a great amount of expertise and experience, and she knows the mechanics of the City and what needs to be done.

Mr. Zuber stated that he has shared his concern about this appointment with several members of Council and will discuss this with the two members he did not have the opportunity to speak to after this meeting. He thought Council would caucus at the end of the meeting tonight to select the Council President.

Mr. Arnold also voiced his concerns about this appointment and wanted to nominate Mr. Kos.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Smith
No: Zuber, Arnold
Motion carried.

Council President Fenderbosch moved to appoint David Kos as the Council President Pro Tem.

Mr. Kos has served on Council for the past 16 years and attended the Leadership Academy. He understands the operations of the City and works well with the Fire Department and Police Department. He is a strong communicator and a very capable backup.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith
No: None
Motion carried.

CORRESPONDENCE

Council Clerk Rosmarin reported on the following correspondence:

- Emails were received from Mary Torlado, Janie Rowland, and Ted Rowland in opposition to the connection of Handford Boulevard and Port Side Drive due to the anticipated increase of traffic and difficulty exiting onto Lear Road.
- A letter from Avon Lake Historical Society was received notifying Council of their desire to install signage at the Folger Home.

Council President Fenderbosch reported that she received several letters from residents of Current Village in opposition to connecting Handford Boulevard to Port Side Drive. She noted that a general development plan is now called a preliminary plan. When approved, the improvement plan follows, and the Planning Commission reviews it to determine if it is consistent with or if it has changed from the preliminary plan.

Last week, she mistakenly reported that Council can vote to approve, vote to deny, or vote with a change. With the new Planning and Zoning Code, Council cannot vote to change the improvement plan, but can only vote to approve or deny. The deadline for Council's decision is November 4, 2024. Therefore, the improvement plan will be

discussed at the Collective Committee Meeting on October 7, 2024, and a vote will be called at the Council Meeting on October 15, 2024.

Ms. Gentry reported that she has received several emails in opposition to the Handford Boulevard issue and received complaints that some political signs were stolen.

MAYOR'S REPORT

Mayor Spaetzel congratulated Mr. Smith, Mrs. Fenderbosch, and Mr. Kos on their appointments and reported on the following:

The City continues to seek efficiencies and alternate funding and has secured over \$1.3 million in grants this year to offset tax dollars that will be used for other purposes. He recognized the Building Department, Community Development Department, and Public Works Department, who in cooperation with the Communications & Technology Department, have created operational efficiencies that stretch dollars through technological improvements.

The first annual Kiwanis Scholarship Fall Fest was held on September 21, 2024. The event included games, food, activities, and music. It was very successful with over 500 people in attendance. Mayor Spaetzel thanked the Kiwanis High School Resident volunteers, the Avon Lake Historical Society, and the sponsors who donated time and food to the event.

In response to Mr. Zuber, Public Works Director Liskovec gave Council an update on the reconstruction of the north side of City Hall. Servpro completed the final measurements and is scheduled to begin next week.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported that next Monday is the fifth Monday of the month, and Council will not meet. The next Collective Committee Meeting will be held on Monday, October 7, 2024, at 7 p.m. The next regular Council Meeting will be held on Tuesday, October 15, 2024, at 7 p.m.

The 2025 Budget Meetings will be held on Monday, September 30, 2024, from 5 p.m. to 9 p.m.; Saturday, October 19, 2024, 8 a.m. to 12 p.m.; and Saturday, November 16, 2024, 8 a.m. to 12 p.m. in the Council Chamber.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

2024 Roads Program

Columbia Gas is working diligently to complete all relocations to the streets scheduled for resurfacing. The Roads Program will begin in early October 2024.

Crack Seal Program

The contractor will begin in early October 2024. The Crack Seal Program will be a moving work zone throughout the scheduled streets.

Avon Lake Play Space (ALPS)

Kimley-Horn continues to work on the design and bid documents for Phases 1 and 2. The Public Works Department has begun site work to help offset the installation of Phase 1.

Striping Program

The Striping Program is out for bid. After the bid closes, all bids will be reviewed and an award recommended to the Public Service Committee and Council for approval.

In response to Council President Fenderbosch, Public Works Director Liskovec stated that street ratings determined the streets being cracked seal by City staff. A map was circulated to Council previously identifying those streets.

In response to Mr. Kos, Public Works Director Liskovec stated that the bid for the Striping Program closes next week, and the weather will determine the extent of the work being completed. The goal is to complete the line striping first, and the symbols will be deferred to the end of the project. If the weather causes the work to stop, then the contractor will return next spring to complete it.

BUILDING AND UTILITIES COMMITTEE REPORT

Ms. Gentry reported that the Building and Utilities Committee is still working on the demolition ordinance. She received a document from Law Director Ebert that merged language from the Mayor's and the Committee's draft.

The next meeting of the Building and Utilities Committee will be announced after it is scheduled.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported that he met with Chief Utilities Executive Rob Munro of Avon Lake Regional Water (ALRW) regarding the scheduling of a technical meeting to discuss the coal yard property procurement and ALRW's due diligence findings. The meeting would include ALRW, Verdantas, and Mr. Shahmir.

The Communications, Environmental, and Recreational Programming Committee has begun creating a cellular coverage map of the City with assistance from ALRW. The purpose of this map is to identify and understand dead zones within the City and forward it to the Building and Utilities Committee and the Digital Media Commission for their review and input on finding a solution.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the results of the Economic Development Committee meeting on September 16, 2024. Avon Lake Environmental Redevelopment Group (ALERG) provided the Committee with an update on the demolition of the Power Plant and reported on the successful implosion of July 31, 2024, and the dust monitoring data that was collected and reviewed by the Ohio EPA. The next implosion of the precipitator, Unit-8 and Unit-9 stacks, and Boiler 12 is scheduled to occur in mid-November 2024.

Mr. Shahmir stated that he asked ALERG at that meeting if air dispersion modeling and a risk assessment would be performed before the next implosion. He was informed that they were not budgeted and would not be completed.

The next meeting of the Economic Development Committee will be held on Monday, October 7, 2024, at 6 p.m. in the Council Chamber.

In response to Council President Fenderbosch, Mayor Spaetzel stated that Verdantas will set up air quality monitors in and around the implosion area as they did for the first implosion.

FINANCE COMMITTEE REPORT

Council President Fenderbosch reported that quarterly transfers and supplemental appropriations are on this agenda for consideration.

Mr. Zuber noted that the income tax collections for the month of September were 4.95% percent higher than last September's collections. To date, the City has received over \$658,000 above last year's collections.

Mayor Spaetzel stated that representatives from Fifth Third Bank have been asked to attend a future Collective Committee Meeting to review the City's investments portfolio.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Zuber reported that the first reading of Ordinance No. 24-139, which is the job description for the Communications and Technology Director, will be added to this agenda.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the results of the Public Safety and Health Committee meeting on September 18, 2024. The following items were discussed:

- 1) The Safer Grant funds have been allocated. The City requested approximately \$15,000 in safety improvements for signs and audible crosswalk devices and will be awarded funding. However, the amount of the funding is unknown. Lorain County is working through the process to determine the amount a participating community will receive, and the City will have a better idea at the end of the year.
- 2) The Lorain County Mental Health and Addiction Memorandum of Understanding.
- 3) The Lear Road traffic studies. There was a consensus to conduct a corridor study from the train tracks on Lear Road to Lake Erie, but there are limitations due to the traffic coming in and out of developments. Therefore, a second study concentrated on the Handford Boulevard area will be conducted, but the scope is still to be determined.
- 4) The establishment of a business district at SR 83 and Walker Road. This area of the City is heavily traveled and has the most accidents reported in the City. The Committee reviewed past legislation and found that in the 1980s and early 1990s, a business district was established for the Walker Road area with a speed limit of 25 mph. However, a business district traveling north and south on SR 83 was not formally established. To rectify this oversight, Council will now establish a business district on SR 83, north and south of Walker Road, and formally set the speed limit at 25 mph. The City Engineer drew a map, and the Committee recommended Council adopt the map as the business district.

Council President Fenderbosch stated that the City partnered with other communities in Lorain County and applied for a grant from the Federal Government to obtain funds for a corridor study. The Federal Government awarded the partnership funding, and Lorain County told the City that Avon on Lear Road would receive some of the funds. Lorain County was contacted to inquire if they meant Avon Lake instead of Avon, and the City is awaiting an answer. If the City receives funding for the entire corridor from Lake Road to the Lear Road railroad tracks, then the monies would be available in 2025.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Wednesday, October 2, 2024, at 5:30 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, October 1, 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, September 25, 2024, at 7 p.m. in the Council Chamber.

WALKER ROAD PARK AD HOC COMMITTEE REPORT

Mr. Shahmir reported that the Walker Road Park Ad Hoc Committee is planning to meet in November 2024 to discuss the completion of the wetlands purchase agreement.

TREE COMMISSION REPORT

Council President Fenderbosch reported that the Tree Commission has posted information on the City's website on *Fall Tree Tips* and how to care for your trees.

AUDIENCE PARTICIPATION

William Zimmerman, 241 Moorewood Avenue, Avon Lake, questioned the format of the Council Meeting regarding Audience Participation. In response, Council President Fenderbosch explained that the restructuring of Council and its Committees occurred at the beginning to appoint a Council Member.

Gerald Phillips, 461 Windward Way, Avon Lake, opined that the compensation of the Finance Clerk-Accounts Payable position is too high. In response, Mr. Zuber explained that the wage for the position is set by union negotiations and is in the contract.

MOTION

Mr. Zuber moved to accept the resignation of Barb Cagley as Communications and Technology Director, due to her retirement, effective September 24, 2024.

After 10 years of service with the City, Mrs. Cagley has decided to retire.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

LEGISLATION

Mr. Zuber moved to add Ordinance No. 24-131 to the agenda.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

HR Director Kernya addressed Council regarding the part-time Communications and Technology Director vacancy. Since the part-time Communications Specialist position will soon become vacant due to the resignation of Jennifer Miller, the Administration decided that both part-time positions would be combined into one full-time position. These positions have unique skills, and the new job description encompasses both. It will be on first reading tonight, and she will begin the recruiting process thereafter.

Second Reading:

Ordinance No. 24-131, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF BUILDING DEPARTMENT ADMINISTRATIVE ASSISTANT, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 64-2018, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-131. This legislation will update the job description for the position of Building Department Administrative Assistant and repeal Ordinance No. 64-2018. When someone retires or leaves a position, the job description is reviewed to determine if changes are necessary before filling a vacancy. After consideration, the Chief Building Official and the HR Director recommended changes.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-131 adopted.

Ordinance No. 24-132, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF FINANCE CLERK-ACCOUNTS PAYABLE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, REPEALING ORDINANCE NO. 56-2012, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-132. This legislation will update the job description and rename the position of Finance Clerk to Finance Clerk-Accounts

Payable and repeal Ordinance No. 56-2012. The Finance Clerk will be retiring soon, and changes to the job description were recommended by the HR Director.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-132 adopted.

Ordinance No. 24-133, AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-133. This legislation will amend the rules of the Civil Service Commission by changing the minimum age required to take the Firefighter/Paramedic exam from 21 years to 18 years. Candidates must be certified as an Ohio Paramedic and Ohio Firefighter Level II before they can be hired. The Civil Service Commission recommended this rule change to permit Fire Academy students to take part in the examination process and to provide the City with a larger pool of candidates. The maximum time allotted to pass the Firefighter/Paramedic physical agility exam was set at 4 minutes 30 seconds and a clarification regarding the age requirement rule in the Police Department was included in the amendments.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-133 adopted.

First Readings:

Ordinance No. 24-134, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-134. This legislation will permit the Finance Director to transfer funds totaling \$4,717,000 for August, September, and October, as follows:

\$3,250,000	General Fund
\$750,000	Income Tax Improvement Fund
\$562,500	General Bond Retirement Fund
\$154,500	Recreation Fund

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-134 adopted.

Ordinance No. 24-135, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR QUICK RESPONSE TEAM BETWEEN ALCOHOL AND DRUG ADDICTION SERVICES BOARD OF LORAIN COUNTY, THE CITY OF AVON LAKE, AND LET'S GET REAL AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-135. This legislation will authorize the Mayor to enter into a Memorandum of Understanding between the City and the Lorain County Alcohol and Drug Addiction Services Board to assemble a Quick Response Team. When someone has received medical attention for an opioid overdose, the Quick Response Team will contact the overdose victim to encourage them to seek treatment. Studies have shown that the longer time goes by before an overdose victim is contacted, the less likely they will seek help. This program assigns members of the Avon Lake Police Department and the Lorain County Alcohol and Drug Addiction Services Board to the Quick Response Team. Their goal is to contact opioid overdose victims seven days, or no longer than 30 days, thereafter.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-135 adopted.

Ordinance No. 24-136, AN ORDINANCE AMENDING ORDINANCE NO. 24-32 AUTHORIZING THE MAYOR TO EXECUTE A WETLAND PURCHASE AGREEMENT FOR WETLAND IMPACTS AT WALKER ROAD PARK AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None
Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-136. This legislation will amend Ordinance No. 24-32 authoring the purchase of 4.1 mitigation credits at a cost of \$65,000 per acre from Grafton Swamp Bank. After the project began, it was determined that the wetlands were lower than estimated and only 3.4 mitigation credits were needed at a cost of \$221,000. The City paid \$39,975 to begin the mitigation project, and the balance due is \$181,025. The City jointly owns Walker Road Park with Bay Village, and Bay Village has agreed to pay 50% of the cost, or \$110,500.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith
No: None
Motion carried.
Ordinance No. 24-136 adopted.

ORDINANCE NO. 24-137, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT YEAR AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2024 AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith
No: None
Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-137. This legislation will correct an error in the spreadsheet formula and remove a duplicate appropriation of \$150,000 in the General Fund.

In response to Council President Fenderbosch, Finance Director Widman stated that the State of Ohio reimbursed the City approximately \$48,000 to offset some of the overtime hours accumulated during the Total Eclipse Event last April.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith
No: None
Motion carried.
Ordinance No. 24-137 adopted.

Ordinance No. 24-138, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY SYSTEMS, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 24-138. This legislation will authorize the Mayor to execute an agreement with Simvay Systems, LLC, of Westlake, Ohio, in the amount of \$30,971.20 for monitoring events and providing vulnerability management of the City's server

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Ordinance No. 24-138 adopted.

Ordinance No. 24-139, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF COMMUNICATIONS AND TECHNOLOGY DIRECTOR, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 23-6, was read by title only.

This legislation will adopt the job description for the position of Communications and Technology Director and repeal Ordinance No. 23-6. The Administration recommended combining two part-time positions into this full-time position.

PUBLIC INPUT

The following residents addressed Council in opposition of the opening of Handford Boulevard to Port Side Drive.

Paul Orlousky, 32066 Handford Boulevard, Avon Lake, voiced his compassion for the residents of Liberty Rose Drive, north of Handford Boulevard, who experienced frustration when their street opened to Port Side Subdivision 1 and they sought assistance from Council. He wondered how they would feel if the City delayed the opening of Handford Boulevard when the barriers on Liberty Rose Drive were removed against their wishes. He believed the problems on Liberty Rose Drive were created by Council not requiring a Traffic Impact Analysis (TIA). He encouraged members of Council to drive on Handford Boulevard to see how the character will change with the opening and to notice the parking problems that currently exist. Opening Handford Boulevard will increase traffic, which will block residents on Jaeger Court and Schiller Court. There are many subdivisions in the City that have access gates, and he suggested this as an option to solve access.

Vince Cononico, 617 Brust Drive, Avon Lake, stated that he has previously expressed his concerns about the Handford Boulevard opening Port Side Subdivision 2 to Council, and he has never heard Council cannot do anything about it. Pulte Homes doesn't care if there is a cut-through; they will still develop the property. The Master Thoroughfare Plan has been referenced as the basis for interconnectivity. It is a 20-

year-old map. Community Development Director Ted Esborn's interpretation of Codified Ordinance Section 1214.05 was incorrect, and he believed the City made a conclusion and has been trying to justify it despite the concerns of its constituents. He urged Council to act as public servants and send the improvement plans back to the Planning Commission to have residents' concerns addressed.

Marsha Thompson, 32058 Handford Boulevard, Avon Lake, stated that the Fire Chief and Police Chief expressed the need to open Handford Boulevard to provide services to the residents east of Current Village. The Fire Chief expressed the importance of seconds to save lives. She recited statistics of the EMS runs she found on the City's website and questioned if response times have been associated with improved patient outcomes based on evidence and research. Reliance on response times prevents communities from evaluating other EMS system quality measures that have great significance for patient care and outcomes. This reliance increases the cost of EMS, and the risk of EMS vehicle crashes, and prevents other evaluation. She asked what financial measures have been implemented to appropriately evaluate the Avon Lake EMS system performance and what the goal is of the response times if Handford Boulevard is extended. She agreed that a TIA needs to be conducted on Lear Road.

John Simacek, 704 Schiller Court, Avon Lake, asked Council to consider a logical, common-sense approach that Handford Boulevard does not provide. Twenty-five years ago, there wasn't an interchange or hospital, and no one was heading south on Lear Road. Now everyone is, and traffic will greatly increase with 980 new homes being built, and most of those new residents will use Handford Boulevard. Handford Boulevard is the main parking area for guests of Current Village, and it was never meant to accommodate 980 families. What were the planners thinking? Backups will occur with traffic turning onto Lear Road. The residents along Handford Boulevard will suffer. He urged Council to find a logical alternative.

Council President Fenderbosch explained that the general development plan was approved in 2021 after the 1-90 Lear Road interchange opened.

Cindy Fairchild, 32046 Handford Boulevard, Avon Lake, voiced her concern regarding the opening of Handford Boulevard and stated that the initial development plans were completed in the early 2000s before the Lear Road exchange opened. If Handford Boulevard is opened to Port Side Drive, she and her neighbors will be unable to park in front of their homes. She asked Council to consider a remote access gate for emergency services only.

Council President Fenderbosch stated that the Mayor, Fire Chief, and Police Chief have had discussions about a remote access gate. The Fire Department and Police Departments have objections to it as it will reduce response times.

Mayor Spaetzel confirmed that he will be meeting with Mr. Kos, the Fire Chief, Police Chief, and City Engineer to discuss the TIA and its scope. Access gates will be a separate discussion. Many Homeowners Associations (HOAs) in the City have access

gates that open automatically upon the presence of a safety vehicle, which could be an option.

Mike Dunford, 645 Brust Drive, Avon Lake, stated that he wants Council to be the problem solver and agreed that there isn't a perfect solution. There was a plan in 2001, and the last plan that Kopf Construction wanted Pulte Homes to develop was three years ago. Perhaps that plan should have been updated in the last 25 years. Now there's a problem. He urged Council to obtain the results of a TIA before they make a decision.

Council President Fenderbosch clarified that the general development plan wasn't for everything from Lear Road to Bay Village, it was only for the Port Side Subdivision and was approved in 2021.

Debbie Yue, 617 Brust Drive, Avon Lake, stated that the video from the Collective Committee Meeting on September 16, 2024, has not been uploaded to the website, and she hoped that it would be soon. It was her recollection that the Law Director indicated that Council had the option of approving, rejecting, or approving with modification a Planning Commission recommendation. She read Codified Ordinance Section 1214.05 and noticed that Community Development Director Ted Esborn's memorandum interprets the improvement plan as the final approval. However, Section 1214.05 does not refer to an improvement plan but references the approval process for the final plat. A final plan and an improvement plan are different. She urged Council to either reject or approve with modifications. The developers have not advocated for the cut-through of Handford Boulevard, and they can continue with the development without it.

Council President Fenderbosch stated that she made the error in her statement that Council can say "yes", "no", or "yes with condition(s)". There is a section in the Planning and Zoning Code that refers to a preliminary plan, and it identifies what the Planning Commission and Council are required to do. When reviewing an improvement plan, the goal is to match the improvement plan with the general development plan. For the Port Side improvement plan, Planning Commission recommended a change. They asked the developer to take the circular road design and return with other ideas that resulted in the "Y" formation. Also, the developer changed some of the parking, added ADA accommodations, and agreed to plant additional evergreens in the buffer.

Carol Friebaren, 32065 Kossuth Drive, Avon Lake, asked for clarification regarding the year the Master Thoroughfare Plan was made that indicated Handford Boulevard was going to be a through street.

Council President Fenderbosch reiterated that the general development plan for Pulte Homes was approved in 2021 and was unsure when the original Handford Boulevard was put in.

Mr. Smith, as the former City Law Director, remembered there was a lot of discussion when Handford Boulevard was put in, and he suggested someone look at the past minutes of the Planning Commission. This occurred before 2007.

Carol Friebaren, 32065 Kossuth Drive, Avon Lake, *continued*, was surprised that there were no traffic studies in 2007 or prior to this new subdivision. She questioned how a project could be planned without studying the traffic and noted that Handford Boulevard and Liberty Rose Drive are the only streets that have direct access to Lear Road. She believed someone in the City failed to do their job.

Kim Orlousky, 32066 Handford Boulevard, Avon Lake, asked about the live stream of the Collective Committee Meeting that Ms. Yue referenced.

In response, Technology Coordinator Stephanie Biggers stated that it is on the website, and she will assist the residents in locating the video after the meeting concludes.

Kim Orlousky, 32066 Handford Boulevard, Avon Lake, *continued*, stated that she didn't understand the memorandum from Community Development Director Ted Esborn and believed he was trying to find a way to support the outcome he wanted. She agreed with the statement of others regarding the development plan approved in March of 2021. She noted that it was approved during the pandemic when no one had a chance to attend a Council Meeting and offer their comments.¹

Elizabeth Crow, 726 Schiller Court, Avon Lake, expressed her hope that Council doesn't allow the extension of Handford Boulevard. If it must happen, she asked Council to consider having a four-way stop at Schiller Court and Brust Drive and a three-way stop at Jaeger Court.

Gerald Phillips, 461 Windward Way, Avon Lake, stated that usually a preliminary subdivision plat and final subdivision plat are required with a subdivision. Plats deal with improvements, the roads, underground infrastructure, and sewers. The final subdivision plat requires a subdivider's agreement with bonds. The developer installs the improvements which are accepted if it conforms to the plans. The development plan deals with the houses on the lots. He hasn't looked at this file, but at the last meeting, Mr. Esborn, indicated that Pulte Homes is at the improvement plans stage and Council acceptance. If so, Council has no choice but to approve it if it conforms to those improvement plans. He found it odd that Planning Commission made changes since they don't typically make changes.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, gave his opinion that selecting Mr. Smith to fill the vacant Council At-Large seat was performed with bias based on previous statements made by Council President Fenderbosch. Also, he

¹ Council Meetings continued during the pandemic and the public could attend or participate through text.

believed Mr. Kos was using scare tactics regarding the 35-mph speed zone on SR 83 near Walker Road. ODOT made SR 83 35 mph in 1958. He filed legal action against the City on those facts because he believes it is an illegal district. He urged the public to attend committee meetings because that is where issues are debated and moved to a Council Meeting. He restated his belief that the Law Director should be elected.

Mr. Kos responded to Mr. Zimmerman's statements and clarified that ODOT does not need to be involved if a municipality establishes a business district. Council can set the speed limit at 25 mph by establishing the business district.

Mr. Shahmir supported the comments of the residents of Current Village, Schiller Court, etc., and agreed that Handford Boulevard has limited access. The residents have asked for a TIA that will forecast traffic. There was discussion on temporary mitigation that could buffer traffic coming into Handford Boulevard for a duration until the TIA is completed.

Gerald Phillips, 461 Windward Way, Avon Lake, *continued*, stated that Mr. Reitz [sic] indicated at the last meeting that Port Side Subdivision 2 is five acres with 19 units. Mr. Phillips disagreed with the density of those units and stated that the Planning and Zoning Code says that if there are 4 units per density, a TIA is mandatory. Regarding the proposed moratorium, he hoped that the City would provide injunctive relief besides fines and imprisonment. If someone violates the moratorium, the Law Director should immediately enforce it. He believed the Law Director ignored the law when he didn't stop the implosion on July 31, 2024, and he provided Council with his legal opinion that supported that belief.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos reported that on September 16 at 9 a.m., tickets for the 11th Annual Boo by the Woods and Trail of Haunted Tales and Basement of Terror went on sale, and by 10:15 a.m. 2,000 tickets were sold. This popular event is organized by the Avon Lake Public Library, Avon Lake Recreation Department, and the Kopf Family Reservation and will be held on Thursday, October 10, 2024, from 6 p.m. to 9 p.m. and Saturday, October 12, 2024, from 4 p.m. to 8 p.m.

Mrs. Fenderbosch moved for adjournment.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Zuber, Arnold, Smith

No: None

Motion carried.

Adjournment: 9:40 p.m.

Approved: /s/ Jennifer Fenderbosch
Council President

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