

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
October 15, 2024**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on October 15, 2024, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

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

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Rob Shahmir, Geoff Smith, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

Absent: Finance Director Ed Widman

Ordinance No. 24-140, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JACOB ZUZEK AS POLICE OFFICER IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-140. This legislation will confirm the appointment of Jacob Zuzek as a Police Officer in the Police Department at 90% of the Step 1 rate of \$32.35 per hour effective October 1, 2024. Mr. Zuzek is a student at the Cleveland Heights Police Academy. Upon his graduation and OPOTA certification, he will receive 100% of the Step 1 rate.

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

No: None

Motion carried.

Ordinance No. 24-140 adopted.

Mayor Spaetzel administered the Oath of Office to Jacob Zuzek.

AUDIENCE PARTICIPATION

The following residents addressed Council regarding Ordinance No. 24-158 and the Port Side Improvement Plan:

Paul Orlousky, 32066 Handford Boulevard, Avon Lake, thanked everyone involved in the connection of Handford Boulevard and Port Side Subdivision 2 and stated that it was the goal of the Current Village residents to prevent it. The City relented to the opening and has agreed to install a gate for emergency access only as a compromise. Also, Pulte Homes was part of the solution by designing an alternative to a circle. Further decisions will be made by the City, and there is trust that the residents will be included.

Wendy Schnittger, 32005 Liberty Rose Drive, Avon Lake, thanked Council for their service to the community and urged that reasonable initiatives on public safety be considered for the benefit of the public. She noted that the left turn signal installed at Walker Road and Lear Road has helped with traffic flow, but that may change with new construction. She voiced her concern that when the barriers at the end of Liberty Rose Drive are removed, traffic will bypass the light on Lear Road and cut through her development. Previously, the City listened to the Liberty Rose residents about their concerns about the traffic and offered to paint a right-turn arrow on the pavement that faded after the first winter. She asked the City to consider installing a gate, which is the same courtesy that will be afforded to the Current Village residents.

Vince Cononico, 617 Brust Drive, Avon Lake, voiced his appreciation for the compromise and noted that paragraph 5 in the Memorandum of Understanding (MOU) states, “that the obligation to keep the gate in place shall be the obligation of the homeowners’ association”. He believed this would cause confusion because the gate would be the property of the City on a public street, and the homeowners’ association should not have the obligation to maintain it when they do not have the power to remove it. He recommended that the MOU be modified to state that the gate may not be removed, modified, or circumvented by any homeowners’ association or its residents. Also, he was disappointed that the Current Village residents are not listed as third-party beneficiaries on the MOU, and they should be, because they have to enforce the MOU. An expressed resuscitation would be supportive.

Cindy Fairchild, 32046 Handford Boulevard, Avon Lake, expressed her support for the comments of resident Dave Davenport in his email to Council, and she urged Council to consider his statements.

David Christmon, 556 Monticello Court, Avon Lake, stated that the Liberty Rose residents should be given the same privilege that Current Village will receive, specifically, a gate to restrict traffic.

Philip Schnittger, 32005 Liberty Rose Drive, Avon Lake, stated that Liberty Rose residents should have equity. She understood that it would be a burden on the City, but 100 homes built in the Port Side subdivision would create more traffic.

Rob Baker, 32006 Liberty Rose Drive, Avon Lake, stated that he learned about the MOU last Friday. He thanked Council for revisiting past errors and taking the right steps to resolve planning issues that have existed since the approval of the Port Side

Development. Many of those errors were identified as public safety in 2021 by former Public Works Director Joe Reitz and Engineering Tech Kelly Marton, who worked collaboratively and received feedback from the Police, Fire, and Public Works Departments, former Mayor Greg Zilka, and members of Council. External experts proposed evidence-based solutions to ensure access for safety forces, implement traffic flow management practices, and incorporate roadway features designed to improve safety and access for all users. One solution resulted in a complete redesign of the southerly townhomes. Most of the recommendations were summarily dismissed, ferociously fought and even mocked by a City leader. Mr. Baker is grateful that the City will revisit the Port Side subdivision and address the impacts of the Handford Boulevard extension. He asked Council to honor the promises made to the Liberty Rose residents by the City and the late developer, Bucky Kopf, to work with the residents of Liberty Rose Drive and Monticello Court to address traffic concerns. The promises were to install roadway design elements to create safe neighborhoods for all residents and reduce liability exposures, to be equitable and fair in governance, to approve gate MOUs for Handford Boulevard and Liberty Rose Drive extensions, and to pursue comprehensive traffic studies.

Debbie Yue, 617 Brust Drive, Avon Lake, thanked Council for listening to residents and asked how public comment or feedback on the traffic analysis will occur. In response, Council President Fenderbosch stated that Mr. Kos will provide those details in the Public Safety and Health Committee report.

Jim Thompson, 32058 Handford Boulevard, Avon Lake, voiced his concern for safety and noted that the difference between Liberty Rose Drive and Handford Boulevard is Teasel Court. When making a left turn from Handford Boulevard, there is opposing traffic across Teasel Court; Liberty Rose Drive does not have opposing traffic.

The following resident addressed Council regarding Ordinance No. 24-159:

William Zimmerman, 241 Moorewood Avenue, Avon Lake, stated that he disagreed with Mr. Arnold's claim that the proposed moratorium is targeting the former Power Plant, and he doesn't understand why there is a need to develop the property with family homes or multi-family homes. He claimed there is corruption within the City.

The following resident addressed Council regarding Ordinance No. 24-148:

Jim Bennington, 32617 Surrey Lane, Avon Lake, stated that the Backyard Chicken Ordinance has taken 18 months and was happy that it has made it to this point. He invited anyone with questions about chickens to his house to see his run and coop.

The following resident addressed Council regarding Ordinance No. 24-143:

Malachi Witt, 126 Woodstock Avenue, Avon Lake, stated that residents should read the Interim Development Agreement (IDA) to understand the details. He interpreted the IDA as an opportunity for the developers to acquire \$60 million through Tax

Increment Financing (TIF) as a means for the City to acquire park property for \$15 million. He believed there would be a net loss in tax dollars and was concerned about the potential environmental issues that may be discovered after the City acquires the property.

Mr. Zuber stated that Mr. Witt was confused about how TIF works and noted that Council will discuss how TIF can benefit the City. The City will not lose \$60 million, and the IDA will address environmental issues and permit the City access to the property for environmental studies. If any environmental issues are found, the City will have the right to cancel the purchase.

PUBLIC HEARING

The Public Hearing opened at 7:33 p.m. pursuant to Section 147(f) of the Internal Revenue Code of 1986 regarding the issuance by the Arizona Industrial Development Authority of several series of its revenue notes, bonds, or other obligations to a plan of financing in an aggregate principal amount not to exceed \$355,000,000.

Attorney Kip Wahlers of Ice Miller, LLP, informed Council that Ordinance 24-141 is a continuation of a project by the Arizona Industrial Development Authority for the issuance of bonds for the acquisition of eight facilities in Ohio and Michigan, including Independence Village in Avon Lake, by Great Lakes Senior Living, and approved by Council in 2019. \$40 million of the \$355,000,000 of the bond proceeds were allocated to the Avon Lake facility, and proceeds are being refinanced for the acquisition of 126 units located in Aurora, Ohio; 189 units in Independence Village in Avon Lake, Ohio; 166 units located in Grand Ledge, Michigan; 115 units located in Midland, Michigan; 119 units located in Petoskey, Michigan; 109 units located in Plymouth, Michigan; 145 units located in Oxford, Michigan; and 185 units in White Lake, Michigan.

The Internal Revenue Code requires the local community to approve the issuance of the bonds even though the City is not issuing the bond itself. The Arizona entity is being used because no governmental entity in Ohio or Michigan has the authority to issue bonds for multi-state projects. The bonds are solely the responsibility of the borrower, Great Lakes, and this approval is only for federal income tax purposes. Therefore, there is no liability on the City.

In response to Mr. Shahmir, Mr. Wahlers stated that the emergency provision in the legislation is necessary because the issuance of the bonds is for refinancing purposes to keep the facilities financially stable and to continue to provide services to their residents.

Mr. Zuber announced that his mother is a resident of Independent Village, Avon Lake, and he will abstain from voting.

The Public Hearing closed at 7:45 p.m.

CORRESPONDENCE

- Nathan Lieber, President of Liberty Rose Homeowners' Association, regarding the safety concerns related to the opening of Liberty Rose Drive to Port Side.
- Police Chief Vince Molnar, in opposition to gates being installed on a public right-of-way.

The following submitted emails regarding the MOU:

- Cindy and Bob Fairchild
- Joyce and Peter Igel
- Kim Orlousky
- Ken Yakel
- David Davenport.

The following submitted emails regarding the Moratorium Ordinance:

- Gerald Phillips
- Mary Schneider
- Doug Miller
- Jeff Mercer
- Susan Hay

MAYOR'S REPORT

Mayor Spaetzel congratulated Jacob Zuzek, who will be joining the Police Department upon his graduation from the Police Academy in December.

Mayor Spaetzel stated that he and his family attended Boo By the Woods, and they had a great time. He thanked Mr. Kos for coordinating this event and asked for a report.

- Mr. Kos reported that over 2,000 tickets were sold for the 11th Annual Boo By the Woods, Trail of Haunted Tales, and Basement of Terror. He thanked the Boo Crew: Avon Lake Public Library's William Rutger, Shea Alltmont, Dan Cotton, Samantha Pasa, Sybil Wendling, and Carrie Muzychak; Avon Lake Recreation Department's Erin Fach and Jacqui Hoffman; Trail Organizers Frank McManus, Ryan Muckerheide, Lisa Aflan, and Mike Aflan; Basement of Terror Organizers Brian Salco, Mike Manning, Dale Slivinski, and Brandy Plumb; Avon Lake Police Department; Avon Lake Public Library; Avon Lake Public Works Department; Avon Lake Drama Club; Avon Drama Club; Mighty Goliath Productions; Avon Lake Key Club; Kopf Builders; and the residents that attended this year and the previous 10 years who have made this a great family-friendly Halloween event.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported that the next Collective Committee Meeting will be held on Monday, October 22, 2024, at 7 p.m. The next regular Council Meeting will be held on Monday, October 28, 2024, at 7 p.m.

A Budget Meeting will be held on Saturday, October 20, 2024, from 8 a.m. to noon.

Miscellaneous Community Events:

- The North Coast Club Rotary Medical Equipment Supply Donation Drive will be held on Saturday, October 20, 2024, from 10 a.m. to noon at Sprenger Towne Center.
- Empty Bowls by the Lake will be held on Saturday, October 20, 2024, from 11 a.m. to 2 p.m. at Avon Lake High School Commons.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

Crack Sealing Program

Scodellar Construction completed this year's program and did a great job crack sealing the necessary spots without overapplying and creating safety hazards.

Outfall Project

The contractor is finishing the restoration work.

Concrete Roads Program

The contractor will pour Mariner's Court by the end of this week, weather permitting.

Asphalt Roads Program

The contractor is working on Vineyard Road and Redwood Boulevard and is pushing hard to stay on schedule.

Leaf Collection Season

The crews will begin collecting leaves on Monday, October 21, 2024. The brush collection will be suspended because the brush trucks are converted to leaf-collection trucks. Residents can bundle branches, weighing no more than 50 pounds, for pickup or place them in their yard waste carts or yard waste bags.

BUILDING AND UTILITIES COMMITTEE REPORT

Ms. Gentry reported that Ordinance No. 24-159, regarding a moratorium, will be removed from the agenda.

Mr. Shahmir stated that after conversations with Attorney Todd Davis and Avon Lake Environmental Redevelopment Group (ALERG), air dispersion modeling and risk assessments will be conducted associated with the implosion; a moratorium will not be presented.

The next meeting of the Building and Utilities Committee will be held on Monday, October 21, 2024, at 6 p.m. in the Council Chamber.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported that the IDA was the one topic of discussion at the Economic Development meeting on October 7, 2024. A presentation of the IDA was conducted at a Work Session regarding the remediation standards and TIF. Work Sessions will be held on TIF and environmental impact.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee meeting held October 3, 2024. The following topics were discussed: Revenue bonds for Independence Village; Extension request of the State Auditor; Finance Director search; Transfers within several funds based on the Titus Pitts Hill Drainage District, also known as Central Avon Lake Drainage Project (CALDP); Tax rates for 2025; and Village Project donation.

The next meeting of the Finance Committee will be held on Monday, November 4, 2024, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Smith reported on the Human Resources Committee meeting held October 8, 2024. The following topics were discussed: Finance Director search and the appointment of a Police Officer, three Laborers, a Mechanic, and a Municipal Court Security Guard; and Senior Program Manager, Assistant Finance Director, Assistant Public Works Director, and Public Works Foreman job descriptions.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Regarding the traffic study on Lear Road, the following details were provided:

Mayor Spaetzel stated that the study will cost approximately \$30,000 based upon a limited scope and will have to be approved by Council. The Administration will seek either a Request for Proposals (RFP) or Request for Qualifications (RFQ). The method taken will determine if the study will begin in 2024 or 2025.

Mr. Kos stated that the Public Safety and Health Committee will review the data at a future meeting, which will be advertised. The data will help determine what safety

and traffic improvements could be made in that area of the City to alleviate issues in the Handford Boulevard area and Liberty Rose Drive.

The next meeting of the Public Safety and Health Committee will be held on Wednesday, October 16, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Wednesday, November 6, 2024, at 5:30 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The meeting of the Planning Commission scheduled for Tuesday, November 5, 2024, was canceled.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held on Wednesday, October 23, 2024, at 7 p.m. in the Council Chamber.

CITIZENS REVIEW AD HOC COMMITTEE REPORT

Mr. Zuber reported that the Citizens Review Ad Hoc Committee has been meeting weekly to discuss the salaries of the Mayor and Council. Their final meeting will be held on Tuesday, October 22, 2024, at 4 p.m., and they will provide Council with their recommendations.

TREE COMMISSION REPORT

The next meeting of the Tree Commission will be held on Wednesday, November 13, 2024, at 6 p.m. Two members of the Commission will attend Senior Tree Academy classes. They anticipate graduating in November.

MOTIONS

Council President Fenderbosch moved to permit Mr. Zuber to be excused from voting on Ordinance No. 24-141 pursuant to Codified Ordinance 220.19(b). Mr. Zuber has a conflict of interest and will not vote on this legislation.

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

No: None

Motion carried.

Mr. Kos moved to authorize the Fire Chief to advertise for bids for the purchase and installation of a direct source capture vehicle exhaust system.

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

Council President Fenderbosch moved to authorize the Public Works Director to advertise for Request For Proposals for tree inventory for the City of Avon Lake.

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

LEGISLATION

Ms. Gentry moved to remove Ordinance No. 24-159 from the agenda. A demolition ordinance is being written, so the need for a moratorium is no longer necessary.

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

Second Reading:

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.

Ordinance No. 24-141, AN ORDINANCE APPROVING, SOLELY FOR THE PURPOSE OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE BY THE ARIZONA INDUSTRIAL DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$355,000,000 SENIOR LIVING REVENUE BONDS (GREAT LAKES SENIOR LIVING COMMUNITIES, LLC) AND DECLARING AN EMERGENCY, was read by title only.

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

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

Council President Fenderbosch moved for passage of Ordinance No. 24-141. This legislation will approve the issuance of revenue bonds in the amount not to exceed \$355,000,000. In 2019, Council approved the issuance of these types of bonds, and the bond counsel is refinancing them and has requested Council's approval again. The IRS requires this procedural process since Independence Village is in the City.

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

No: None

Abstention: Zuber

Motion carried.

Ordinance No. 24-141 adopted.

Ordinance No. 24-142, AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE RELATED TO THE DEER MANAGEMENT PLAN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 24-142. This legislation will authorize a Cooperative Service Agreement with the U.S. Department of Agriculture to continue the City's Deer Management Plan to cull up to 80 deer at a cost not to exceed \$44,688.

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

No: None

Motion carried.

Ordinance No. 24-142 adopted.

Ordinance No. 24-143, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERIM DEVELOPMENT AGREEMENT WITH AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into an IDA with ALERG for the redevelopment of the former Power Plant property into a mixed-use development containing a public park, multi-family residential, offices, and/or retail uses. ALERG will agree to remediate the entire property to all applicable standards under the Ohio Voluntary Action Plan (VAP), and the park property will be remediated to the satisfaction of the City's environmental consultant, Steve Gross of Verdantas.

On the property to be used for a public park, remediation will be performed before closing on the purchase and subject to Ohio VAP Technical Assistance. The City has

the option to submit for a Covenant Not to Sue under the Ohio VAP post-closing regulations. Due diligence will be shared from ALERG to the City, and physical testing will not occur until the purchase agreement is fully negotiated. The City will not contribute any funds toward the acquisition or the remediation of the future park property, and the IDA will be dependent on TIF funding for its acquisition and the final cover soil has been applied. The developer will pay all costs for outside consultants and attorneys in exchange for the City paying \$15 million from the TIF, which will not exceed 25% of the eligible TIF revenue, and \$15 million from the TIF revenue will be used for park improvements. The IDA must be supported by an independent appraisal.

Attorney Majeed Makhoulf of Berns, Ockner & Greenberger, LLC, who attended via Zoom, was asked to respond to statements and questions raised by Malachi Witt during Audience Participation earlier in the meeting.

Mr. Witt restated his belief that TIF funding will take revenue from the City and give it to the developer. It was his understanding that a bond would be secured through the Lorain County Port Authority until taxes could be collected after development had occurred. Since the bond acquisition is based on projections, he asked who will be responsible for bond payments if the projections are not met.

Attorney Makhoulf clarified that the IDA is a road map of how the project would occur. The TIF would be negotiated with the school district and the developer separately, and the TIF ordinance would come before Council for a vote after those negotiations. The base tax of the property is not abated and continues unimpacted. The incremental increase from the development will be abated, and the percentage of the abatement will be negotiated with the schools. In Ohio, the source of revenue for municipalities is income taxation, which is not impacted by a TIF. TIF occurs throughout the State to incentivize development. If the City does not agree to the TIF, then development will not occur.

Regarding the issuance of bonds, Attorney Makhoulf stated that after development occurs, the real estate taxation will be billed a year in arrears by Lorain County. To compensate for the gap in tax collections, the Payment In Lieu of Taxation (PILOT) on the TIF would be collected. The bonds would be issued through the Lorain County Port Authority. The IDA explicitly states that the City will not be responsible for bond payments. The bonds would have to be secured differently, such as, by the developer guaranteeing that they will have to make minimum payments or by the types of bonds that could be secured.

Attorney Todd Davis, outside counsel to the City and who drafted the IDA, clarified a statement made regarding the reimbursement of the developer's remediation costs by the TIF. There are limited costs associated with pursuing the No Further Action (NFA) letter, and ALERG is not obligated by law to secure an NFA. However, they have agreed to pay for the remediation costs associated with the future park property, and the City has no obligation to pay for the remediation expenses. The IDA will

accomplish the goals of the City to acquire future park property, which was the mandate issued by the Mayor and Council. ALERG has no obligation to sell the City any part of the property.

Dick Shields of ALERG addressed Council and stated his appreciation for the first reading of the IDA legislation. He reported that over \$20 million has been invested by ALERG to remediate the site, such as stopping the smokestacks from belching and mitigating asbestos, and has spent millions to design and market the property. ALERG has embraced the City's desire for lakefront property and has positioned the property to create a new tax base that will far exceed anything the former Power Plant had generated.

Attorney Makhoul noted that the IDA also obligates the City and the developer to collaborate on applying for public grants or other sources of funding.

Mr. Kos stated that when the former Power Plant closed, residents expressed that they wanted access to the lake. Through the IDA, the City would acquire 23.22 acres of lakefront property that will connect to Miller Road Park. The IDA is contingent on the land developer completing the remediation according to the Ohio VAP standards.

Attorney Davis reiterated that the due diligence process conducted will be extensive. The City's certified professional must be satisfied that the property meets applicable standards through Ohio EPA VAP Technical Assistance.

Mr. Shahmir agreed that the City has an opportunity to have a jewel that has never been on Lake Erie. The potential is amazing, and the framework is there. The TIF district defined on Exhibit A-1 includes an area south of Walker Road, and he asked when the due diligence will begin and when data will be available.

Attorney Davis responded that the process begins within three days after the Non-Binding Letter of Intent is signed and approved by Council. Then the City will have access to ALERG's available data. Within 20 days, ALERG will provide the City with a Purchase and Sale Agreement. An incentive due diligence process will ensue until the site is remediated. Steve Gross of Verdantas or other certified professionals will opine until they are comfortable that the applicable standards through the remediation have been met. Then the City will have 120 days to complete other environmental processes, as needed, prior to a closing. The closing conditions will be subject to financing provided through the TIF.

Community Development Director Ted Esborn explained how the proposed TIF District was determined. He consulted with Avon Lake Regional Water (ALRW) Business & Financial Coordinator Bill Logan, who is the former Finance Director of the City of Avon and an expert on TIF, and Attorney Makhoul. They agreed that the TIF District could be as small as the former Power Plant site or as large as the west end of the City. All land owned by ALERG is in the TIF District, which is why the land south of Walker Road was included. That land was attached to the rail line of the former

GenOn property. The TIF District incorporates the Lake Road Business District, which includes Stop 65, the Old Shopping Center, Nick Mayer Ford, the property east of Moore Road, and the Avondale area, as the Power Plant Redevelopment Project.

Attorney Makhoul stated that the TIF District is designed to provide the City with the maximum flexibility should development occur within the District.

Council President Fenderbosch summarized the IDA and TIF discussion by noting that the former Power Plant property is 43.25 acres, and the proposed park property acquisition would be 23.22 acres. The proposed vertical development size is 19.60 acres, and zoning changes will need to occur. The existing property tax collected by Lorain County will continue and be distributed to all appropriate sources. Any increase in property value will be part of the TIF except for the schools and the library, who will have an opportunity to negotiate their share when the TIF is implemented with a vertical developer. The schools and library would continue to receive taxes as the value increases and will not lose any present or higher value on property taxes for the parcels in the TIF District. The City receives revenue from income taxes. When people move into residential areas and work in those areas, then the City's income tax revenues will increase.

Resolution No. 24-144, ACCEPTING THE AMOUNTS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Resolution No. 24-144. This legislation will accept the tax rates for 2025 determined by the Lorain County Budget Commission based on the estimate provided by the Lorain County Auditor.

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

No: None

Motion carried.

Resolution No. 24-144 adopted.

Ordinance No. 24-145, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE AVON LAKE HISTORICAL SOCIETY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-145. This legislation will authorize the Mayor to execute a MOU with the Avon Lake Historical Society to lease the Peter Miller House at 33740 Lake Road in Miller Road Park and the Folger Home, formerly known as Assembly Hall, at 32770 Lake Road in Veterans Memorial Park for charitable and educational purposes.

Law Director Ebert stated that the MOU has a term of 10 years, and it stipulates that the City will pay for the maintenance and other expenses of both facilities to ensure that they are properly maintained. The Avon Lake Historical Society is responsible for maintaining and iprotecting their artifacts.

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

No: None

Motion carried.

Ordinance 24-145 adopted.

Ordinance No. 24-146, AN ORDINANCE AWARDING A CONTRACT FOR THE 2024 PAVEMENT MARKING PROGRAM TO THE AERO-MARK COMPANY, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-146. This legislation will award a contract for the 2024 Pavement Marking Program to The Aero-Mark Company, LLC, of Aurora, Ohio, in the amount of \$149,994.70.

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

No: None

Motion carried.

Ordinance No. 24-146

Ordinance No. 24-147, AN ORDINANCE APPROVING THE FINAL PLAT FOR WALKER ROAD PLANNED UNIT DEVELOPMENT PORT SIDE CLUSTER SUBDIVISION, PHASE 2, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-147. This legislation will approve the final plat for Walker Road Planned Unit Development (PUD) Port Side Cluster Subdivision, Phase 2, consisting of 46 detached single-family cluster lots on 13.481 acres south of Westfield Trail on Bar Harbour and Rock Harbour Streets and approved by Planning Commission on October 1, 2024.

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

No: None

Motion carried.

Ordinance No. 24-147 adopted.

Ordinance No. 24-148, AN ORDINANCE AMENDING PLANNING AND ZONING CODE SECTION 1224.01, ACCESSORY USE AND TEMPORARY USE REGULATIONS FOR BACKYARD CHICKENS, COOPS/RUNS, was read by title only.

This legislation will amend Planning and Zoning Code Section 1224.01 to include an accessory use and temporary regulations for backyard chickens, coops/runs. The standards for accessory use will only permit hens and egg production in the following Zoning Districts: R-1A, R-1B, R-1C, R-2, R-3, PI, PUD, and RPUD. The permit will require an applicant to provide the City with the proposed coop/run specifications, which will be evaluated by the Building Department and the Community Development Department. Residents will be required to complete a backyard chicken training course from a City-approved backyard hen-keeping trainer, such as The Ohio State University. City personnel will be required access to the property to inspect the coop/run and to respond to complaints or other violations. The number of chickens permitted is six. Once issued, permits will be renewed automatically unless there is a change in property ownership or citations issued.

Ordinance No. 24-149, AN ORDINANCE CONFIRMING THE APPOINTMENT OF DONALD FUGATE, JR., AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-149. This legislation will confirm the appointment of Donald Fugate, Jr., as a Laborer in the Public Works Department at the Step 1 rate of \$27.53 per hour effective October 16, 2024.

Yes: Gentry, Kos, Shahmir, Zuber, Arnold, Smith, Fenderbosch
No: None
Motion carried.
Ordinance No. 24-149 adopted.

Ordinance No. 24-150, AN ORDINANCE CONFIRMING THE APPOINTMENT OF PEDRO CONTRERAS, JR., AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Smith moved for passage of Ordinance No. 24-150. This legislation will confirm the appointment of Pedro Contreras, Jr., as a Laborer in the Public Works Department at the Step 1 rate of \$27.53 per hour effective October 16, 2024.

Yes: Gentry, Kos, Shahmir, Zuber, Arnold, Smith, Fenderbosch
No: None
Motion carried.
Ordinance No. 24-150 adopted.

Ordinance No. 24-151, AN ORDINANCE CONFIRMING THE APPOINTMENT OF RYAN KUHN AS LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Smith moved for passage of Ordinance No. 24-151. This legislation will confirm the appointment of Ryan Kuhn as a Laborer in the Public Works Department at the Step 1 rate of \$27.53 per hour effective October 16, 2024.

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

No: None

Motion carried.

Ordinance No. 24-151 adopted.

Ordinance No. 24-152, AN ORDINANCE CONFIRMING THE APPOINTMENT OF LAWRENCE J. ABFALL, III, AS MECHANIC IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-152. This legislation will confirm the appointment of Lawrence J. Abfall, III, as Mechanic in the Public Works Department at the Step 2 rate of \$32.84 per hour retroactive to September 30, 2024.

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

No: None

Motion carried.

Ordinance No. 24-152 adopted.

Ordinance No. 24-153, AN ORDINANCE AMENDING ORDINANCE NO. 24-89R, APPROVING WAGE INCREASES FOR THE AVON LAKE MUNICIPAL COURT PERSONNEL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-153. This legislation will amend Ordinance No. 24-89R by adding Diamalen Bermudez to the position of Security in the Municipal Court at the rate of \$24.61 per hour retroactive to August 1, 2024.

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

No: None

Motion carried.

Ordinance No. 24-153 adopted.

Ordinance No. 24-154, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ASSISTANT FINANCE DIRECTOR AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Assistant Finance Director in the Finance Department as recommended by the Human Resources Director and Human Resources Committee.

Ordinance No. 24-155, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SENIOR PROGRAM MANAGER AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Senior Program Manager in the Recreation Department as recommended by the Human Resources Director and Human Resources Committee. After the Recreation Facility Manager announced he would be retiring in 2025, his position description was re-evaluated and revised to reflect a change in duties and responsibilities and a new title was created.

Ordinance No. 24-156, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ASSISTANT PUBLIC WORKS DIRECTOR AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Assistant Public Works Director. The Public Works Director and Human Resources Director recommended the restructuring of the Organizational Chart in the Public Works Department, and the duties and responsibilities of this position were removed and will be included in the Public Works Foreman job description.

Mr. Zuber voiced his opposition to this new position in the Public Works Department and stated that the Administration and Council should focus on hiring a City Engineer and Engineering Techs. He would like to discuss creating a Safety Service Director position.

Public Works Director Liskovec responded that there is an Assistant Public Works Director currently within the Department, and he is looking to rework that position.

Ordinance No. 24-157, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PUBLIC WORKS FOREMAN AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the new position of Public Works Foreman in the Public Department. Some duties and responsibilities of the existing Assistant Public Works Director were included in the Foreman position in support of the new Organizational Chart by the Public Works Director and Human Resources Director.

Public Works Director Liskovec stated that he reviewed the current levels of staff and decided that a supervisory position for the daily operational needs and activities of management on various projects is needed to keep things moving efficiently.

Mayor Spaetzel reported on the Raftelis Study of the Public Works Department conducted in 2022, which recommended that the City establish a supervisory foreman position. Currently, the Assistant Public Works Director is responsible for 30 laborers, which is not in the job description as written. A supervisory Foreman position would be the direct report in the field to supervise projects. The City has Leadmen, but they have no supervisory authority and only run projects. This position will add a ground-level supervisory position that is needed and was identified by the Raftelis Study.

Mr. Zuber responded that the Raftelis Study recommended that the City recreate the Foreman position that was repealed when the Assistant Public Works Director was adopted. He opined that the City is rushing to hire another someone for a new position when a City Engineer is needed along with the Urban Forester position that was proposed in 2023. He is concerned that the Administration is moving forward without formalizing a personnel plan, specifically for the Engineering Department.

Ordinance No. 24-158, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-158. This legislation will authorize the Mayor to enter into a MOU with Pulte Homes of Ohio, LLC, the developer of the Port Side Subdivision. On May 10, 2021, Council approved the General Development Plan and is now considering approving the Improvement Plan of Port Side Townhouse Subdivision as recommended by Planning Commission on October 1, 2024. The City and residents have debated traffic problems regarding a proposed connection of a public right-of-way from Port Side Subdivision into Handford Boulevard, and the City wants a gate installed on the connecting roadway to provide access by emergency vehicles.

Law Director Ebert reported that based on discussions between the residents and the Administration held earlier, Section No. 5 of the MOU will be amended to state that the gate may not be removed, modified, or circumvented by any resident or applicable homeowners' association; it can only be removed by the City.

Council President Fenderbosch clarified that this will be a public street, Pulte Homes, LLC, has agreed to contribute \$15,000 for the cost of the gate, and a Traffic Impact Assessment.

Keith Filipkowski of Pulte Homes, LLC, informed Council that he is agreeable to the changes of the MOU as stated by Law Director Ebert and stated that the MOU is conditioned upon Council approving the Improvement Plan.

Council President Fenderbosch moved to amend Ordinance No. 24-158, the MOU with Pulte Home of Ohio, LLC.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-158 as amended.

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

No: None

Motion carried.

Ordinance No. 24-158 adopted.

MOTION

Council President Fenderbosch moved to approve the Port Side Townhouse Subdivision Improvement Plan as recommended by Planning Commission on September 4, 2024. This Improvement Plan matches the General Development that was approved in 2021.

Mr. Zuber stated that his vote will be in opposition because Council asked Planning Commission to require a TIA with the Improvement Plans.

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

No: Zuber

Motion carried.

PUBLIC INPUT

Paul Orlousky, 32066 Handford Boulevard, Avon Lake, asked if Mr. Kos would keep him and his neighbors informed on the TIA. In response, Mr. Kos said he would work with Mr. Shahmir to keep the residents in Handford and Liberty Rose informed.

Alan Fraiser, 32140 Division Road, Avon Lake, addressed Council and offered his support for Issue 15, a bond levy, and Issue 16, an operating levy, which is on the November ballot. He has been a resident for over 40 years and recently learned that one of his neighbors moved out of Avon Lake to attend a better school in another community because Avon Lake's schools have declined. People typically move to Avon Lake for the school system, not the opposite.

Rob Baker, 32006 Liberty Rose, Avon Lake, thanked Council for including Liberty Rose Drive in the TIA. He stated that drivers still travel around the barriers and semi-trucks continue to travel on Liberty Rose Drive despite signage prohibiting it. He requested the Mayor and Pulte Homes open dialogue to address these issues along with the items that were not fulfilled by the former developer, Kopf, that were required by Planning Commission and Council.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council about the City's concern that they would be sued if a moratorium is approved. He opposed any increase in the Mayor's salary and the Mayor's role as Safety Director. He disagreed with the TIF proposal and failed to understand the concept and its value.

Keith Filipkowski of Pulte Homes, LLC, addressed Council about the MOU, and Pulte Homes' offer to pay for the gate exemplifies their commitment to the safety and welfare of the public. The MOU still offers interconnectivity in support of the City's Master Thoroughfare Plan. There have been claims that Pulte Homes are indifferent about the connection at Handford Boulevard, which is not true. If there isn't connectivity, then the fire and safety services would have restricted access to Port Side Subdivision.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 10:25 p.m.

Approved: /s/ Jennifer Fenderbosch
Council President

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