

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
November 12, 2024**

The rescheduled meeting of the Avon Lake Municipal Council was called to order on November 12, 2024, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

Mr. Shahmir 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.

PUBLIC HEARING

The Public Hearing opened at 7:01 p.m. upon the Planning and Zoning Code text amendments, as identified in Ordinance No. 24-148.

Council President Fenderbosch reviewed the amendments to 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.

AUDIENCE PARTICIPATION

Jim Bennington, 32617 Surrey Lane, Avon Lake, expressed his appreciation of the City and Council for their actions to enact code amendments that will allow residents to have chickens.

Courtney Dobrovich, 141 Drummond Street, Avon Lake, stated that she is looking forward to applying for a permit and believes chickens will be an asset to the community by giving residents the ability to source their own protein.

Danielle Amato, 32574 Schooner Court, Avon Lake, stated that she is unable to have chickens since she lives in a subdivision with a homeowner's association. But she will support other residents who have chickens.

Council President Fenderbosch stated that the Avon Lake Public Library is located within one of the permitted zones and has stated that they want to raise chickens. Some schools have also expressed their desire to have chickens.

Kenzie Roberts, 254 Fairfield Road, Avon Lake, expressed appreciation to everyone who worked on the Backyard Chickens amendments and the Administration who worked with the pre-existing chicken owners. She lives near Redwood Elementary School, and the families that walk by her property enjoy seeing her chickens. She believes that chickens are great for the community even though not everyone may want to raise them. The eagles that nest at Redwood Elementary School sometimes perch in a tree in her backyard and have never been a problem for her chickens. However, there are other predators nearby. She keeps her coop secure, and her chickens are protected.

Kimberly Sweigart, 135 Artsdale Drive, Avon Lake, as a home economics teacher, stated that the quality of the eggs produced by backyard chickens is better than the eggs purchased at a local supermarket.

Racheale Cambarre, 178 Brookfield Road, Avon Lake, expressed her support and appreciation to Council. She, too, is looking forward to having her own chickens.

Mr. Kos stated that when the concept of backyard chickens was first introduced, he wasn't in favor of it. But after speaking with chicken owners, residents, learning the process, and seeing Mr. Bennington's chicken coop, his preconceptions about the issues chickens might create were quickly dispelled. The residents have maintained their chickens without complaints. He urged the Administration to prioritize and issue the pre-existing chicken owners with licenses first before collecting new applications.

The Public Hearing closed at 7:18 p.m.

APPROVAL OF MINUTES

The minutes of the regular Council Meetings on August 26, 2024, were approved as prepared and published.

CORRESPONDENCE

An email was received from Katherine Eyring asking if Council Committee meetings would be videotaped. Mrs. Eyring was informed by the Clerk of Council that

videotaping meetings would be referred to the Communications, Environmental, and Recreational Programming Committee.

MAYOR'S REPORT

Mayor Spaetzel reported on the following events in the City:

Veterans Day

Mayor Spaetzel attended several local Veterans Day ceremonies that honored the men and women who have shown courage and sacrifice to dedicate their lives to secure the freedoms that the citizens of the United States of America enjoy. As citizens, we should be grateful for their service, should never forget to support and care for those who have served, and show them the appreciation and respect they have earned.

Avon Lake High School Fall Sports

- The boys' Soccer Team record was 15-3-2. They were District Champions and made it to the Regional semifinals.
- The girls' Soccer Team record was 13-5-1. They were Southwestern Champions, District Champions, and Elite Eight in the State. They set a school record of 12 shutouts.
- The Football Team made it to the Regional playoffs.
- The girls' Tennis Team were Southwestern Champions. Autumn Korey and Elizabeth Meiners were State qualifiers in Doubles.
- The girls' Golf Team were Southwestern Champions.
- The girls' Volleyball Team made it to the District finals. Rachel Meyer was named Lorain County Miss Volleyball.

Community Development Director Ted Esborn addressed Council to announce the official kick-off of Shop Local, an annual program held between Thanksgiving and Christmas season to encourage patronage of local stores. This year, 51 establishments will be participating with a raffle box for their customers to enter their names for a chance to win a \$50 gift card. Shop Local is held from November 18 to December 6. Each week, prize drawings are held; the Grand Prize Drawing will be held the week of December 16.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported that a 2025 Budget Meeting will be held on Saturday, November 16, 2024, from 8 a.m. to 12 p.m. in the Council Chamber. A Work Session followed by a Collective Committee Meeting will be held on Monday, November 18, 2024, at 7 p.m. The next regular Council Meeting will be held on Monday, November 25, 2024, at 7 p.m.

LAW DIRECTOR'S REPORT

Law Director Ebert reported that he met with Resident William Zimmerman earlier to answer questions he had regarding the Interim Development Agreement (IDA), and he distributed a handout he received from Mr. Zimmerman to Council prior to this meeting.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

Deer Culling Program

The U.S. Department of Agriculture and the Police Department have prepared letters that will be sent to property owners who live adjacent to parks where culling deer will begin next week.

Avon Lake Play Space (ALPS)

Public Works staff completed their component of Phase 1. The City will advertise for bids for two weeks and open all bids received on Thursday, November 21.

Concrete Roads Program

Denes Construction has made good progress on Stoney Brook Drive, and they are working towards Jaycox Road. Work on Brunswick Drive has been postponed until early 2025. Temporary repairs are being made to all road crossings.

Asphalt Roads Program

The contractor has completed work on Redwood Boulevard, and it is open to traffic. Asphalt will be applied to Vineyard Road next week from Division Road to 250 feet north of Midway Road. Asphalt plants close for the season the week of Thanksgiving. Council President Fenderbosch stated that residents on Stoney Brook Drive have been experiencing ongoing power flickering and power outages. FirstEnergy is aware and has informed the City that they will be digging. She was concerned about digging after a new street has been installed and asked if they could dig before the street is finished.

In response, Public Works Director Liskovec stated that he will contact FirstEnergy to coordinate their work. He was aware they were excavating within the rights-of-way in that area but not in the roadway.

BUILDING AND UTILITIES COMMITTEE REPORT

Ms. Gentry reported that the next meeting of the Building and Utilities Committee will be held on Wednesday, November 13, 2024, at 7 p.m. in the Council Chamber. At that meeting, Northeast Ohio Public Energy Council (NOPEC) representatives will present

the Gas Opt-in Program and infrastructure resiliency opportunities. Also, the proposed demolition ordinance will be reviewed.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

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

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the topics discussed at the Finance Committee meeting on November 4, 2024, as follows: 2025 Budget, Finance Director search, City Hall reconstruction, Fire Station financing, Neighborhood Alliance contract, RITA tax collections, quarterly transfers, year-end budget adjustments, and Union contracts,

The Citizens Review Ad Hoc Committee recommended that the Mayor's salary be increased from \$98,000 to \$125,000, plus an additional one week's vacation, effective January 1, 2025. If Council takes no action on the Mayor's salary by December 31, 2024, then the Mayor's salary will increase to \$155,000 according to Charter Section 20. Also, the Committee recommended Council's salary be increased from \$12,000 to \$14,000, plus a \$2,000 addition to the Council President, effective January 1, 2026.

The next meeting of the Finance Committee will be held on Monday, December 2, 2024, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Smith reported on the topics discussed at the Human Resources Committee meeting held earlier, as follows: Human Resources Director issued her report, appointments of the Building Department Administrative Assistant and an Engineering Technical Aide, and the Civil Service Commission extended the Police Lateral Eligibility List.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported that Letters of Interest (LOI) for the Walker Road and Lear Road traffic study will be obtained with a proposed timeline for the Administration to select a consultant by February 10, 2025, and the study completed and submitted to the City by June 6, 2025.

The next meeting of the Public Safety and Health Committee will be held on Tuesday, November 19, 2024, at 5:30 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Wednesday, December 4, 2024, at 5 p.m. in the Council Chamber.

ENVIRONMENTAL AFFAIRS ADVISORY BOARD REPORT

Mr. Shahmir reported on the meeting of the Environmental Affairs Advisory Board on November 6, 2024. The Board has sponsored an environmental scholarship through the Avon Lake City School Foundation that begins in December.

TREE COMMISSION REPORT

The next meeting of the Tree Commission will be held on Wednesday, November 13, 2024, at 6 p.m.

WALKER ROAD PARK AD HOC COMMITTEE REPORT

The next meeting of the Walker Road Park Ad Hoc Committee will be held on Thursday, November 14, 2024, at 6 p.m. at Bay Village City Hall, 350 Dover Center Road, Bay Village.

AUDIENCE PARTICIPATION

Paul Orlousky, 32066 Handford Boulevard, Avon Lake, thanked the Administration and Council for moving forward with the traffic impact analysis of Lear Road and Walker Road.

Gerald Phillips, 461 Windward Way, Avon Lake, commented on the IDA and the Non-Binding Letter of Intent. He stated that case law is contrary despite language in it, and he believed a court would construe it as a contract. He proceeded to recite court decisions to support his statement and referenced case law Mr. Zimmerman provided to Council prior to the meeting. He opined that the IDA is an illegal contract for zoning, recommended Council obtain a legal opinion, and urged that they postpone their vote on the IDA.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, thanked Law Director Ebert for meeting with him today. He also believed the IDA is a binding document despite Attorney Davis' statement that it is non-binding. He referenced the TIF area and stated that it is outside of the parcel being purchased and voiced his opposition to the City designating a TIF district. He stated that the City of Avon has only used TIF for the interchange at Lear Road and believed that Avon Lake should only leverage a TIF on one project.

Mary Schneider, 143 Avon Belden Road, Avon Lake, asked Council to reject Ordinance No. 24-143 regarding the IDA and voiced her opposition to high-density housing due to the increase in population and traffic on Moore Road, Miller Road, Lake Road, and SR 83. She was against the City abating taxes for developers and residents who would buy any housing developed. The benefit of the City receiving 23 acres of parkland does not outweigh the quality of life and increase cost for current residents.

Andrew Perry, 32209 Woodfield Drive, Avon Lake, voiced his support of the IDA and responded to the statement made earlier about the City of Avon's TIF, which was renewed for another 30 years. Avon's TIF funded the construction of the Lear Nagel interchange, the widening of Chester Road, the construction of the recreational facility, the swimming pool, baseball diamonds, soccer fields, the acquisition of connections, and the provision of water line, sewer lines, stormwater management, and remediation. A TIF does more than abate taxes. It will generate money that the City does not have for improvements that will be developed for the residents of Avon Lake.

Gina Crist, 32371 Birchwood Lane, Avon Lake, asked Council to postpone voting on the IDA based on the recent rejection of the school bond and levy by residents. She opposes any tax abatements or a TIF because it will cost taxpayers and take from the schools.

Jill Gliha, 453 Anchors Way, Avon Lake, encouraged Council to consider Avon Lake City Schools and the recent levy and bond failures. She was unsure what the schools would receive from a TIF. If the IDA is passed, she wanted to know what the schools will receive.

Chris Berben, 32651 Walker Road, Avon Lake, thanked the City, Planning Commission, and Council for being open-minded about the Backyard Chicken ordinance. He specifically thanked Council President Fenderbosch for her countless hours partnering with the chicken community to draft an ordinance that would be accepted by everyone; she persevered and pushed through this ordinance. Mr. Berben was inspired that citizens can still create change through a grassroots initiative within their community if they are organized, passionate, strategic, patient, persevere, and willing to compromise.

Steve Luca, 32288 Acacia Court, Avon Lake, addressed Council as a 20-year resident and 10-year member of the Community Improvement Corporation (CIC). In 2022, the CIC formed the Brownfield Committee to advise and advocate on behalf of the City and residents to ensure that the City's interest in the Power Plant property is a priority. One of the few advantages that the City has is waterfront development. The community's feedback has been public access is a critical component. The City has the opportunity to leverage the 55-acre parcel and has some influence on how it will be developed. The former Power Plant is owned by ALERG, and they have spent

money and incurred risks to improve the land. In his opinion, the City has no right to the property. ALERG is considering selling a portion of the land to the City for public access for parkland use. However, this willingness means that the development would be approximately 50% smaller than it currently is. ALERG is willing to forego 50% of the site for income-producing developments. The developer does not have to sell the land to the City. They can clean and develop 100% of the land and sell it to the highest bidder. While the City controls zoning permits and other entitlements, it must be reasonable with this power when negotiating with the landowner. We should find common ground and work with ALERG to find the best solution for Avon Lake and its residents. The IDA is the mechanism to provide the City with influence over the development of the waterfront. Providing a roadmap and a TIF ordinance must be approved by Council, and the Avon Lake Board of Education must also agree to the terms of the TIF. The land development costs are incredible, and the TIF proceeds are a very good source. He urged Council to support the IDA because it is the beginning of a collaboration and not the final negotiation.

Ron Kovach, Jr., 374 Nantucket Drive, Avon Lake, stated his support for the schools and the IDA. If the IDA is passed, it does not lock the school into accepting it. He encouraged Council to pass the IDA.

Jeff Brausch, 33240 Electric Boulevard, Avon Lake, who is a member of the Brownfield Committee, urged Council to pass the IDA, which is a non-binding agreement. The IDA gives the City the opportunity and the option for this project to continue. There have been many school levies in the past, and a school levy will pass. He is confident that the City will get the schools correctly funded. The City has only one chance to have parkland that the residents have overwhelmingly supported over the last three years. A TIF will not go forward without a funding agreement with the schools.

MOTIONS

Mr. Kos moved to authorize the advertisement for Letters of Interest for a Traffic Impact Analysis (TIA) south of the intersection of Lear Road and Walker Road.

The Administration will solicit qualified firms with the opportunity to provide the City with their interest in conducting a TIA. Applications will be due December 13, and a selection will be made in early January. The selected firm would create a proposal that would be approved by Council in February.

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

No: None

Motion carried.

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 Cleveland Pickleball Club,

LLC, dba Cleveland Premier Pickleball at 33625 Pin Oak Parkway, Avon Lake, indicating the City does not request a hearing.

The request for a new liquor license was reviewed by the Police Chief, and he had no objections.

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

No: None

Motion carried.

Mr. Kos moved to accept the resignation of Jennifer Fenderbosch as Council Representative for Planning Commission, effective November 13, 2024.

Due to Council President Fenderbosch's current responsibilities, she cannot continue to serve as Council Representative on Planning Commission. She has served in this role since 2012.

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

No: None

Motion carried.

Council President Fenderbosch moved to appoint Geoffrey R. Smith as Council Representative for Planning Commission, effective November 13, 2024, and expiring December 31, 2025.

Mr. Smith was the former Law Director for the City and has agreed to serve as the Council Representative on Planning Commission.

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

No: None

Motion carried.

LEGISLATION

Mr. Kos moved to remove Ordinance No. 24-171 from the agenda. Law Director Ebert requested more time to review this legislation. It will be presented to Council in two weeks.

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

No: None

Motion carried.

Third Readings:

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

Mr. Arnold moved for passage of Ordinance No. 24-143. This legislation will authorize the Mayor to enter into an IDA between the City and ALERG. For the past three years, the Administration and Council have held meetings with citizens and professionals on the potential development of the former Power Plant property, most recently, public meetings for the past six weeks. The IDA will set up guardrails of what will be developed on the lakefront. The City seeks to acquire 23.22 acres of the site for parkland through a TIF for \$15 million, and ALERG will provide the City with environmental data they have uncovered and change the zoning to a mixed-overlay district.

Mr. Shahmir thanked Attorney Todd Davis and Environmental Consultant Steve Gross of Verdantas for providing information on the environmental aspects of the site and asked why residential development is included in the IDA.

Attorney Davis responded that including residential development as an option will require ALERG to clean the site beyond the commercial industrial standards, and it gives the City flexibility.

Mr. Shahmir stated that public and private partnerships have been proposed through TIF and noted that the property to be acquired through the IDA is approximately one-fourth of the TIF District. An effective economic development plan is required by the City and the developer. The IDA is a business plan by the developer. The City received funding for an Economic Recovery and Resiliency Plan that will help develop a plan. In his opinion, the City does not have a robust economic development plan currently. TIF also requires a robust plan centered on developing economic growth. He supports the TIF, but before that happens, the City must have an economic development plan to understand the development plan and its impact on the schools and residents. Since an economic development plan must be developed, he will not support this legislation and urged Council to postpone it. Redevelopment of the former Power Plant is a good project that can bring the City into the future and allow us to be the jewel of Lake Erie.

Ms. Gentry stated that many residents have expressed to her that they do not want condominiums built, and she questioned if this is the only opportunity that the City would have to purchase this property for parkland.

Attorney Davis responded that he believed it is the best opportunity but would never say that there would not be an opportunity in the future to acquire land. The

structure of this transaction would not cost the City any money or place its full faith and credit behind the TIF.

Ms. Gentry asked if the IDA changes the zoning of the property from industrial to mixed-use, if ALERG can sell the property to an industrial company should the IDA not pass, and how the \$15 million purchase price was determined.

Attorney Davis explained that through the IDA, ALERG will be obligated to clean the property to residential standards and confirmed that should the IDA fail to pass, ALERG can clean the property to industrial standards and sell it to an industrial developer. Then the City may have an industrial company on the lakefront with no access to the lake like it has been for 100 years. That is the choice Council will make. The purchase price of \$15 million was decided by ALERG, and the IDA requires an appraisal.

Attorney Majeed Makhoul of Berns, Ockner & Greenberger, LLC, addressed Council and stated that the TIF district was determined by the City as the area for potential development. When ALERG negotiates the TIF with the school district, the City may have a TIF ordinance that is very different. There is no binding obligation that this will be the size of the TIF area. There are two caps with the purchase of future parkland: 1) the acquisition cost is \$15 million; and 2) the revenue of the development cannot generate more than 25% of the TIF. That is actual and not theoretical. The TIF is capped at 25% of the development that ALERG will create on that property. There was a concern that should the City commit to TIF funding to purchase the parkland through the IDA, then a vertical developer could claim that all TIF money was expended for the parkland and the City would have to offer other incentives for the development to occur. The \$15 million price and 25% cap would guarantee that vertical developers will not seek more incentives from the City.

Ms. Gentry asked for clarification about TIF and how it funds the schools. In response, Attorney Makhoul said a TIF through the school is whatever ALERG and the school district negotiate. The base tax is not impacted. If there is an increase in valuation because of development, that increase will be abated. It is not an abatement whereby residents will not have to pay real estate taxes. Everyone will continue to pay taxes. The Payments in Lieu of Taxation (PILOT) is the method that the taxes on the increase in valuation are diverted to fund the public infrastructure. The City will open a restricted fund for the PILOT, and Lorain County collects it and forwards it to the City. The PILOT is paid after buildings are built. The Port Authority would issue revenue bonds that would be serviced by the PILOT, and that money would be used to purchase the property or for other development purposes, such as infrastructure. Future revenue will be monetized before revenue comes in; however, specific development must occur. The bond market is a conservative approach to providing the City with funding before the revenue is generated, and it will not require the City to place its full faith and credit behind it.

Mr. Kos stated that should the IDA pass, the school will negotiate with ALERG. He asked if there were limitations on the negotiation.

Attorney Makhoul responded that the schools could negotiate what they are eligible to receive, and they could decide not to abate and stop the project and not receive an increase in future revenue. Revenue will only be generated if development occurs.

Mr. Kos stated that the City should move forward with the IDA. He has confidence that the schools will rebound, and a school levy will be approved by residents. ALERG has no obligation to sell any land to the City. The property is zoned industrial. The IDA would create a mixed-overlay district, and the City would acquire property to be used as parkland. Over 50% of the lakefront property would be owned by the City, and the Lorain County Metroparks would become a partner in the parkland project. If you add the acquisition of 23.22 acres with 13 acres in Miller Road Park, this will provide the City with 37 acres on Lake Erie.

Mr. Ziemnik, Director of Lorain County Metroparks, stated that the Metroparks is honored to participate in the renaissance of the Avon Lake lakefront. The Metroparks yields approximately \$3,000 from property taxes. If development does not occur, the current face value will still be received. The IDA would allow investments in the City, and it would establish ownership and allow opportunities to obtain federal money from the Great Lakes Consortium, Ohio Sea Grant, etc. This will also help corporate partners, who have expressed interest in the lakefront, recruit more talent into the area and increase the City's income tax base. The City will be able to leverage this asset, which is a unique natural resource and educational opportunity, and allow for the daylighting and ecological restoration of the underutilized resource of the Powdermaker Creek. The Metroparks could continue to build and connect trails that will allow people to move to the lakefront. They look forward to working with the City to establish a unique public park that will bolster economic development and improve the quality of life in the community.

Mr. Zuber stated that the IDA will give the City access to the property and data from the environmental studies that have been gathered. Mr. Ziemnik summed up the City's dream, and the City has completed due diligence for the past three years and has had the best people involved. He reminded everyone that 120 years ago there was an amusement park on the property. People would travel from Cleveland to their cottage in Avon Lake. That could be rebuilt there; something better than before along the lakefront with beach access. The City has the potential to double the size of its park.

Mr. Smith agreed with Mr. Shahmir that the City must have an economic development plan in place. This is a very important project to the City, and it needs to be done correctly. The IDA is in good faith and fair dealing, and the land will be remediated.

Under due diligence, if the City does not like what happens, the contract is null and void and neither party shall have any liability.

Prior to Council's vote, Council President Fenderbosch recapped statements made and highlighted the particulars of the IDA.

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

No: Shahmir

Motion carried.

Ordinance No. 24-143 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.

Council President Fenderbosch moved for passage of Ordinance No. 24-148. This legislation will amend Planning and Zoning Code Section 1224.01 as recommended by the Planning Commission on October 1, 2024. A public hearing was held earlier.

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

No: None

Motion carried.

Ordinance No. 24-148 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.

Mr. Smith moved for passage of Ordinance No. 24-154. 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.

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

No: None

Motion carried.

Ordinance No. 24-154 adopted.

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.

Mr. Smith moved for passage of Ordinance No. 24-155. 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 will 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.

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

No: None

Motion carried.

Ordinance No. 24-155 adopted.

First Readings:

Ordinance No. 24-166, AN ORDINANCE FIXING THE SALARY OF THE MAYOR IN ACCORDANCE WITH THE PROVISIONS OF THE AVON LAKE CHARTER, REPEALING ORDINANCE NO. 1-2015, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will fix the Mayor's salary according to the provisions of the Avon Lake Charter Section 20. In 2023, the electorate approved Charter amendments to Sections 12 and 20 regarding the Mayor's salary. Section 20 requires Council to act on the Mayor's salary during the first year of a mayoral term by increasing, decreasing, or neither. A Citizens Review Ad Hoc Committee, comprised of three residents, was appointed to review the salary of the Mayor. Should Council fail to act, the Charter provision sets the Mayor's salary at 3 percent above the highest appointee in the Administration effective the second year of the Mayor's term. After meeting for several weeks, evaluating the duties of the position, and compiling mayoral salaries in comparable communities, the Committee recommended the Mayor's salary to be fixed at \$125,000 with three weeks' vacation, sick leave, holidays, health insurance, bereavement, and jury and witness duty.

Ordinance No. 24-167, AN ORDINANCE FIXING THE SALARY OF THE MEMBERS OF COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF THE AVON LAKE CHARTER AND REPEALING ORDINANCE NO. 53-2015, was read by title only.

This legislation will fix the salary of Council according to the provisions of the Avon Lake Charter. The Citizens Review Ad Hoc Committee was also tasked with reviewing Council's salary because the last increase occurred in 2015. The Committee reviewed Council salaries in comparable communities and recommended Council's salary to be fixed at \$14,000, effective January 1, 2026.

Ordinance No. 24-168, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH NEIGHBORHOOD ALLIANCE, was read by title only.

This legislation will authorize the Mayor to enter into an agreement with Neighborhood Alliance for home-delivered meals for the senior residents in Avon Lake for 2025 at a cost of \$61,000. This program was formerly known as Meals on Wheels.

Ordinance No. 24-169, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-169. 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: Shahmir, Zuber, Arnold, Smith, Fenderbosch, Gentry, Kos

No: None

Motion carried.

Ordinance No. 24-169 adopted.

Ordinance No. 24-170, AN ORDINANCE AUTHORIZING A CONTRACT FOR THE INSTALLATION OF TRAFFIC SIGNAL EQUIPMENT AT THE INTERSECTION OF JAYCOX ROAD AND WALKER ROAD AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-170. This legislation will authorize a contract with Lampion Company, subsidiary of Perim Electric of Wadsworth, Ohio, for the installation of traffic signal equipment at the intersection of Jaycox Road and Walker Road in the amount of \$36,785.

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

No: None

Motion carried.

Ordinance No. 24-170 adopted.

Ordinance No. 24-172, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO PURCHASE 76 WEST SHORE ROAD FROM MICHAEL B. REICHLIN AND MBR76, LLC, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 24-172. This legislation will authorize the Mayor to execute an agreement to purchase 76 West Shore Road, Lorain County Permanent Parcel Nos. 04-00-006-102-001, 04-00-006-102-002, 04-00-006-101-058, and 04-00-006-101-059, from Michael B. Reichlin and MBR76, LLC.

ALRW Chief Utilities Executive(CUE) Rob Munro stated that these four parcels are adjacent to the ALRW Water Filtration Plant in the Lake Road and Moore Road area. The City, on behalf of ALRW, has purchased several parcels in this area for the future expansion of the Water Filtration Plant.

In response to Mr. Shahmir's question on the aesthetics of the neighborhood that would occur by the expansion project, ALRW CUE Munro stated that ALRW has a Master Plan for the water system, which is currently being updated by the Avon Lake Municipal Utilities Board. The Master Plan includes the expansion project. Historically, every 10 to 12 years, the plant has expanded to keep up with demand. 80% of the water produced is sold outside Avon Lake. Avon Lake residents have benefited through these sales as the recipients of the lowest water rates. ALRW is cognizant of the aesthetics of the area and intends to be a good neighbor. Security will be in place for the health, safety, and welfare of the public.

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

No: None

Motion carried.

Ordinance No. 24-172 adopted.

Ordinance No. 24-173, AN ORDINANCE CONFIRMING THE APPOINTMENT OF CODY HARRIS AS ENGINEERING TECHNICAL AIDE I 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: Shahmir, Zuber, Arnold, Smith, Fenderbosch, Gentry, Kos

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-173. This legislation will confirm the appointment of Cody Harris as Engineering Technical Aide I in the Public Works Department at the Step 4 rate of \$38.72 per hour effective November 18, 2024.

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

No: None

Motion carried.

Ordinance No. 24-173 adopted.

Ordinance No. 24-174, AN ORDINANCE CONFIRMING THE APPOINTMENT OF JULIE DOMBROWSKI TO THE POSITION OF BUILDING DEPARTMENT ADMINISTRATIVE ASSISTANT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-174. This legislation will confirm the appointment of Julie Dombroski as Administrative Assistant in the Building Department at the Step 2 rate of \$24.77 per hour effective November 13, 2024.

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

No: None

Motion carried.

Ordinance No. 24-174 adopted.

PUBLIC INPUT

Gerald Phillips, 461 Windward Way, Avon Lake, recalled the conditional use permit request of Avon Lake Animal Clinic in 2023 that was recommended by Planning Commission but failed passage by a 3-4 vote of Council. After its failure, the Avon Lake Animal Clinic installed a parking lot on the east side of Miller Road and were able to install dog trails near the parking lot. This was contrary to their plea and request to install a parking lot in a residential area near their offices.

Regarding the Brownfield Committee, he submitted a public records request and has only received one item. He expects his request to be fulfilled by Friday, November 15. He stated his belief that the Committee is illegal and has violated the Ohio Sunshine Law and Public Records Act.

Regarding the IDA, he stated that Mr. Zuber was incorrect. When the IDA is signed, the City will not have access to the right of entry; access is only obtained with a signed the Letter of Intent. ALERG wants a TIF for 30 years at 100% for mixed-used development, and they have enticed the City by offering to sell a portion of the property to the City to be used for parkland for \$15 million and improvements to the future parkland for \$15 million. He opined that this arrangement is a quid pro quo, and it appears to be contract or spot zoning. If Council agrees to the TIF, \$30 million generated by the TIF would come from the schools.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, voiced his disappointment with the passage of the IDA. He made disparaging remarks about Council and their duties. He stated that the former Power Plant site is not registered as a brownfield site. He was aware that Attorney Davis informed Council previously that the property doesn't have to be registered. He asked about the \$300,000 grant the City received for brownfield mitigation and speculated that the funds were comingled with ALRW.

In reference to Ordinance No. 24-171 regarding the speed limit at SR 83 and Walker Road and removed earlier, Mr. Kos stated the City had authority to change the speed limit on Lake Road, which was recently done. The State authorizes a municipality to change the speed limit on a State road if it is in a business district. After the City established the business district on Lake Road, Mr. Zimmerman sued the City, and the lawsuit is being litigated. Council will introduce an ordinance to establish a business district at SR 83 and Walker Road and set a speed limit of 25 mph. Upon passage, the City anticipates Mr. Zimmerman will sue the City for the same criteria as Lake Road. It important to have a 25-mph speed limit at that intersection because it has the highest number of accidents than any other intersection in the City. If the City does not establish the business district to have that authority, then the speed limit would revert to 35 mph. He asked if anyone would want a speed limit of 35 mph through that intersection where kids walk or ride their bikes regularly. The City is following State law and anticipates a lawsuit from Mr. Zimmerman when the business district is established, and the speed limit is set at 25 mph.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 10 p.m.

Approved: /s/ Jennifer Fenderbosch
Council President

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