

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
DECEMBER 16, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on December 16, 2024, following a Collective Committee Meeting 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; Finance Director Ed Widman; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

CORRESPONDENCE

Council President Fenderbosch received correspondence from Elizabeth Claypool acknowledging the latest edition of *This is Our Avon Lake* and expressing her appreciation to City employees, the Administration, and Council Members for their service to the residents.

MAYOR'S REPORT

Mayor Spaetzel reported on the following:

Michael Cipro was appointed as a Police Officer at the Special Council Meeting held earlier tonight. He is currently a Police Dispatcher with the City and will start at the Cleveland Heights Police Academy in January 2025.

Mayor Spaetzel thanked Council for their work the past year and acknowledged the challenges they have experienced. He expressed his appreciation for their efforts and congratulated them on their perseverance, dedication, and professionalism. He also extended his thanks to all City employees and wished the Community a safe and happy holiday season.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported on the following:

The next Collective Committee Meeting will be held on Monday, January 6, 2025, at 7 p.m. in the Council Chamber. The next Council Meeting will be held on Monday, January 13, 2025, in the Council Chamber.

A Strategic Planning Session of Council will be held on Thursday, January 9, 2025, at 6 p.m. in the Council Chamber. Thursday, January 16, 2025, has been reserved for a continuation of the Strategic Planning Session if needed. If a continuation session is not needed, then Council will meet on that date at 6 p.m. to review updates to Codified Ordinance Chapter 220.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

City Hall Front Door Access Controls

The front door was repaired and is now operational.

Christmas Tree Collection

Public Works Staff will begin collecting Christmas trees in the first two weeks of January. Residents are asked to deposit trees without decorations or lighting on their tree lawn.

Leaf Collection

The week of December 23, 2024, will be the last round of leaf collection throughout the City. Residents are encouraged to place leaves at their curb by December 22, 2024. The City's website will post the progress of the last round of collection. In the event residents have additional leaves thereafter, they can be placed in their refuse cart or in brown bags for bulk collection.

Branch Collection

Public Works Staff restarted branch collection last week, and two trucks completed one sweep through the City.

Yard Waste Collection

Kimble will suspend yard waste collection on December 31, 2024, and resume on March 1, 2025. Residents can still use brown bags for bulk collection or place yard waste in their refuse carts during the suspended collection period.

Ohio Department of Transportation (ODOT) Traffic Study

ODOT is conducting a traffic study regarding the expansion of the Ford Plant and is seeking the public's input. A link to the traffic study is available on the City's website until January 17, 2025.

Deer Culling Program

The United States Department of Agriculture (USDA) will suspend the deer culling until the beginning of January. To date, they have fulfilled 24 of the 40 tags issued to the City.

US Route 6 Sidewalk Project, Eastern Section

TranSystems has been working diligently to obtain appraisals and prepare property acquisitions for the sidewalk project. Over 20 residents have been engaged, and they are working expeditiously to obtain other engagements. The biggest obstacle has been residents unwilling to negotiate.

BUILDING AND UTILITIES COMMITTEE REPORT

Ms. Gentry reported briefly on the two agenda items from the Building and Utilities Committee and will go into further detail at the time of their readings.

FINANCE COMMITTEE REPORT

Mr. Zuber reported that the final income tax collections for the year were \$18,115,467, which was approximately \$1 million more than the last two years.

The next meeting of the Finance Committee will be held on Monday, January 6, 2025, at 6 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be held on Tuesday, January 14, 2025, at 6 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The Public Service Committee will not meet in January. The next meeting will be held on Wednesday, February 5, 2025, at 5:30 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, January 7, 2025, at 7 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

Mayor Spaetzel reported on the results of the Zoning Board of Appeals meeting held on Wednesday, December 11, 2024, as follows:

- 1) An area variance reducing the Commerce Parkway front setback from 60' to 25' for a proposed office building at 32870 Pin Oak Parkway was granted.
- 2) An area variance reducing the front setback from 50' to 40' and the rear setback from 35' to 15' for a home addition at 33266 Lake Road was granted.

The next meeting of the Zoning Board of Appeals will be held on Wednesday, January 22, 2025, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Council President Fenderbosch reported that the Tree Commission is working on updates to the City's Codified Ordinances based on the State's standards. Three members of the Commission will attend the Tree Academy in 2025.

The next meeting of the Tree Commission will be held on Wednesday, January 8, 2025, at 6 p.m. at the Old Firehouse.

AUDIENCE PARTICIPATION

Gerald Phillips, 461 Windward Way, Avon Lake, addressed Council regarding Ordinance No. 24-171. He referenced the City of Avon, which recently reduced its speed limit based on an ODOT study that included a comprehensive crash analysis identifying engineering and traffic control deficiencies, along with appropriate corrective actions. He argued that speed limits should only be reduced as a last resort after all other treatments have been attempted or ruled out, and stated that Avon Lake doesn't follow those procedures. He also noted that ODOT considers the shortest acceptable speed zone to be half of a mile, whereas the section of roadway in Ordinance No. 24-171 does not meet that requirement. Also, he noted that a business zone requires 50% of businesses on both sides of the roadway, a condition that has not been met.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council regarding Ordinance No. 24-171, which seeks to establish a business district and reduce the speed limit to 25 mph. He stated that he filed a complaint with the City for failing to comply with a 1958 ODOT ruling that set the speed limit at 35 mph on SR 83 and US 6. Mr. Zimmerman asserted that Mr. Kos believes he can circumvent ODOT. He also noted that Mr. Phillips provided several examples of ODOT rules, none of which align with the ordinance. He also claimed that the City illegally changed the speed limit from 35 mph to 25 mph sometime during those 60 years and accused Council of violating their oath, and stating that they should be removed from office.

MOTIONS

Council President Fenderbosch moved to authorize the Public Works Director to advertise for bids for concrete, asphalt, and aggregate to be used by the Public Works Department during the 2025 construction season.

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

No: None

Motion carried.

Council President Fenderbosch moved to authorize the City Engineer to advertise for bids for the Miller Road Park Sand Dredging Project.

The Ohio Department of Natural Resources (ODNR) requires sand dredging to be completed yearly for safety purposes at the boat launch.

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

No: None

Motion carried.

Mr. Smith moved to confirm the reappointment of Scott Orille to Planning Commission for a term commencing January 1, 2025, and ending December 31, 2029.

Mr. Orille has served on Planning Commission for the past five years and has agreed to continue to serve for a second term. He is an attorney with experience in brokering developer concepts.

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

No: None

Motion carried.

Mr. Smith moved to reappoint Karla Fitch and Sam Hemoud to the Community Relations Board for two-year terms commencing January 1, 2025, and ending December 31, 2026.

Mrs. Fitch and Mr. Hemoud have agreed to continue to work with the Commission for another term.

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

No: None

Motion carried.

Mr. Kos moved to appoint Diane Deasy to the Historical Preservation Commission for a two-year term commencing January 1, 2025, and ending December 31, 2026.

Mrs. Deasy is a native of Avon Lake and is extremely involved in several community events. She is a true leader and will bring a lot of history to the Commission.

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

No: None

Motion carried.

Mr. Kos moved to confirm the Mayor's reappointment of Cheryl Lister to the Historical Preservation Commission for a two-year term commencing January 1, 2025, and ending December 31, 2026.

Ms. Lister has been on the Commission for several years and served as its Secretary and Vice President. She taught at Avon Lake City Schools for 32 years and has a strong passion for history.

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

No: None

Motion carried.

Mr. Shahmir moved to reappoint Dave Updegraff and Welden Rice to the Communications & Technology Commission for three-year terms commencing January 1, 2025, and ending December 31, 2027.

Mr. Updegraff and Mr. Rice have a wealth of knowledge and are critical to the group.

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

No: None

Motion carried.

Council President Fenderbosch moved to confirm the Mayor's reappointment of Amanda Ortiz-Byrnes and Katie Downie to the Tree Commission for three-year terms commencing January 1, 2025, and ending December 31, 2027.

Mrs. Ortiz-Byrnes is a Director of Guidance in the Parma School District and brings a wealth of knowledge on organizing outreach programs, and Mrs. Downie is a certified Urban Forester. Her specialty is large land areas. She works with the U.S. Forestry Department and Ohio Forestry Department and has been very instrumental in the Commission's review of forestry standards.

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

No: None

Motion carried.

Council President Fenderbosch moved to permit Mr. Arnold to be excused from voting on Ordinance No. 24-196 pursuant to Codified Ordinance 220.19(b).

Due to a conflict of interest, Mr. Arnold is unable to vote on Ordinance No. 24-196.

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

No: None

Motion carried.

Ms. Gentry moved to confirm the City's participation in Northeast Ohio Public Energy Council (NOPEC) Sustainable Technical Assistance Resources (STAR) Pilot Program in partnership with World Kinect Corporation.

The City is one of six participating municipalities in the STAR Pilot Program. City buildings and fleets will be assessed to determine cost-savings opportunities and energy efficiency improvements.

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

No: None

Motion carried.

Mr. Smith moved that the contract with Interim Finance Director Ed Widman terminate no later than January 15, 2025.

The City has found Mr. Widman's replacement, and his services will no longer be needed after January 15, 2025. Mayor Spaetzel thanked Mr. Widman, who works full-time for the City of Huron and agreed to work part-time while the City searched for his replacement.

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

No: None

Motion carried.

Council President Fenderbosch moved to approve the 2025 City Council Calendar.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

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.

Mr. Zuber moved for passage of Ordinance No. 24-167. 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 salaries because the last increase occurred in 2015. The Committee reviewed Council salaries in comparable communities and recommended Council salaries to be fixed at \$14,000 plus an additional \$2,000 stipend for the Council President, effective January 1, 2026.

Mr. Kos stated that increasing Council's salary is uncomfortable, but it hasn't occurred for over a decade. Council ensures that City employees are paid fairly and determines fair compensation through a variety of ways. An Ad Hoc Committee of

residents made a recommendation on Council's salary. They conducted due diligence by speaking with members of Council to learn what they do, how many hours a day they work, and what their schedules are like, and then compared their salary with other comparable communities. They researched and offered a fair proposal. Mr. Kos urged his colleagues to support the Committee's recommendation.

Mr. Smith stated that he has struggled with increasing Council's salary, and his issue is the timing of when the increase will start. If it began in 2028, he would support it.

Mr. Shahmir agreed with Mr. Smith. If the increase began outside his term, he would support it, too. But he cannot support it since it will be effective January 1, 2026.

In response to Ms. Gentry, Law Director Ebert stated that Council can approve the legislation with an effective date of January 1, 2026, and then amend it to be effective January 1, 2028.

Mr. Kos understood Mr. Smith's and Mr. Shahmir's concerns but noted that the increase in Council's increase is based on a recommendation determined by this Committee, and it could change in three years.

Yes: Gentry, Kos, Zuber, Fenderbosch

No: Shahmir, Smith, Arnold

Motion carried.

Ordinance No. 24-167 adopted.

Ordinance No. 24-171, AN ORDINANCE TO DESIGNATE A PORTION OF STATE ROUTE 83 AS A BUSINESS DISTRICT PURSUANT TO CODIFIED ORDINANCE SECTION 402.07 AND TO MODIFY THE SPEED LIMIT TO BE TWENTY-FIVE MILES PER HOUR (25 MPH) ONLY WITHIN THAT PORTION OF STATE ROUTE 83 WITHIN THE BUSINESS DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved for passage of Ordinance No. 24-171. This legislation will designate a portion of SR 83 as a business district near Walker Road and modify the speed limit within the business district. It was discovered that only the east/west area on Walker Road was formally designated as a business district. If approved by Council, the north/south section of SR 83 will be included in the business district and the speed limit set at 25 mph. This legislation is like Ordinance No. 25-57, which established a speed limit for Lake Road.

Mr. Kos read Codified Ordinance Section 402.07, which pertains to intersections and traffic control devices and aligns with the Ohio Revised Code (ORC), as follows:

According to the ORC, an intersection means the junction of an alley or driveway with a roadway or highway and does not constitute an intersection

unless the roadway or highway at the junction is controlled by a traffic control device.

According to ORC, a traffic control device means a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to the street, highway, private road, open to public travel, pedestrian facility, or shared use path by authority of a public agency or having official jurisdiction or in the case of a private road, open to public travel by authority of the private owner or private official having its jurisdiction.

Mr. Kos stated that essentially any type of marking or sign that is used to guide traffic is considered a traffic control device. The City Engineer, Police Chief, and Law Director agreed that a third lane and signage of a curve in the roadway are traffic control devices since they guide traffic. There are many types of traffic control devices, and based on these definitions, the City Engineer prepared the map that designates the beginning and end of the business district, which includes more than 50% of businesses on both sides of the road and is 300 feet in length. The State does not declare business districts, but it provides criteria and allows municipalities to declare a business district. The City has established this business district under Home Rule and with ODOT's support. When Ordinance No. 24-57 (Lake Road speed limit) was passed in May, Crystal Nealon, Public Information Officer for ODOT District 3, confirmed via email that the City does not need to pursue further steps to designate a business district if the proposed speed limits do not conflict with the ORC. Speed limits for state routes or highways outside of business districts should be 35 mph.

Mr. Kos referenced the City of Columbus, which lowered the speed limit on their downtown streets from 35 mph to 25 mph by declaring the downtown section to be one large business district. One of the streets is Broad Street, which is also known as SR 40. ODOT's review was perfunctory under the approach used by Columbus. Initially, ODOT said a traffic study was needed before the speeds could be lowered, but that was before it understood the legal approach Columbus intended to employ. Therefore, the only State action needed was to record the new speed limit in a journal.

Mr. Kos noted that ODOT has joined the City of Avon Lake in the lawsuit filed against the City regarding the Lake Road business district/reduction of the speed limit to 25 mph.

ODOT is the authority. Under the tactic applied in Ordinance No. 24-171, the City can keep the speed at 25 mph, which is the desired speed of the residents and the City. How the speed limit originally changed pre-dates Council, but Council is now taking appropriate actions to maintain the 25-mph speed limit legally.

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

No: None

Motion carried.

Ordinance No. 24-171 adopted.

Ordinance No. 24-175, AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS AGGREGATION PROGRAM AS A NOPEC MEMBER, was read by title only.

Ms. Gentry moved for passage of Ordinance No. 24-175. This legislation will approve changes to the Plan of Operation and Governance (POG) for the NOPEC Opt-In Gas Aggregation Program that will allow residents to return to the Program after they have opted out. Currently, the enrollment period is every two years. By changing the POG, residents will be permitted to opt in whenever they choose instead of waiting for the enrollment period.

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

No: None

Motion carried.

Ordinance No. 24-175 adopted.

Ordinance No. 24-176, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER, was read by title only.

Ms. Gentry moved for passage of Ordinance No. 24-176. This will authorize all actions necessary to establish NOPEC's Opt-In Natural Gas Program. This is the companion legislation of Ordinance No. 24-175 regarding the Program. If approved by Council, the changes will take two billing cycles to be effective.

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

No: None

Motion carried.

Ordinance No. 24-176 adopted.

Ordinance No. 24-177, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED FEE SCHEDULE, was read by title only.

Council President Fenderbosch moved for passage of Ordinance No. 24-177. This legislation will amend fees outlined in Codified Ordinance Section 208.01. Changes include the removal of fees for worms and bags of ice under the Boat Launch section, as these fees are no longer assessed. Additionally, amendments to the Picnic Pavilion and Gazebo rental fees were recommended by the Parks and Recreation Commission.

Based on the Recreation Director's recommendations, the rental structure will be adjusted, and fees for picnic pavilions and gazebos will increase by 50%.

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

No: None

Motion carried.

Ordinance No. 24-177 adopted.

Second Readings:

Ordinance No. 24-183, AN ORDINANCE FIXING A PAY RANGE FOR THE POSITION OF ASSISTANT FINANCE DIRECTOR IN THE FINANCE 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. 24-183. This legislation will fix a pay range for the position of Assistant Finance Director. A pay range of \$72,246.41 to \$101,858.49 was recommended by the Human Resources Director and Human Resources Committee.

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

No: None

Motion carried.

Ordinance No. 24-183 adopted.

Ordinance No. 24-184, AN ORDINANCE AWARDED A CONTRACT FOR THE 2025 FOURTH OF JULY FIREWORKS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-184. This legislation will award a contract for the 2025 Fourth of July Fireworks display at Weiss Field on July 3, 2025, to American Fireworks Company of Hudson, Ohio, in the amount of \$25,000.

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

No: None

Motion carried.

Ordinance No. 24-184 adopted.

Ordinance No. 24-185, AN ORDINANCE AWARDING A CONTRACT FOR VEHICLE EXHAUST REMOVAL SYSTEMS TO MAGNEGRIP AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-185. This legislation will award a contract to MagneGrip of Cincinnati, Ohio, in the amount of \$99,748 to install Vehicle Exhaust Removal Systems at the Fire Station. The City received a grant of \$92,995.45 from the Federal Emergency Management Agency (FEMA) for the 2023 Assistance to Firefighters Grant (AFG) for the protection of the public and firefighting personnel against fire and fire-related hazards.

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

No: None

Motion carried.

Ordinance No. 24-185 adopted.

Resolution No. 24-188, A RESOLUTION TO ADOPT AND DECLARE A TEMPORARY BUDGET FOR THE YEAR 2025 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Resolution No. 24-188. This legislation will authorize the temporary budget for 2025, as determined by the Finance Director, with input from Department Heads, the Administration, and Council. A permanent budget will be finalized in the first quarter of 2025.

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

No: None

Motion carried.

Resolution No. 24-188 adopted.

Ordinance No. 24-190, AN ORDINANCE AUTHORIZING THE CREATION OF THE SEWER COLLECTION FUND NO. 722 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-190. This legislation will authorize the creation of Sewer Collection Fund No. 722 for the Municipal Utilities Department.

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

No: None

Motion carried.

Ordinance No. 24-190 adopted.

Ordinance No. 24-191, AN ORDINANCE AUTHORIZING THE CREATION OF THE WATER DISTRIBUTION FUND NO. 723 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-191. This legislation will authorize the creation of Water Distribution Fund No. 723 for the Municipal Utilities Department and is the companion legislation for Ordinance No. 24-190.

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

No: None

Motion carried.

Ordinance No. 24-191 adopted.

First Readings:

Ordinance No. 24-193, AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF BETH KROSSE TO THE POSITION OF FINANCE DIRECTOR, 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: Gentry, Kos, Shahmir, Smith, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-193. This legislation will confirm the Mayor's appointment of Beth Krosse as Finance Director at an annual salary of \$133,000, and a one-time, non-pension bonus of \$1,500, effective December 18, 2025.

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

No: None

Motion carried.

Ordinance No. 24-193 adopted.

Ordinance No. 24-194, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a personal services agreement with HZW Environmental Consultants of Mentor, Ohio, for gas and groundwater monitoring at the closed landfill for an amount not to exceed \$68,000.

Ordinance No. 24-195, AN ORDINANCE AWARDING A CONTRACT FOR CONCRETE WORK AT AVON LAKE PLAY SPACE (ALPS) PHASE I TO RMH CONCRETE & FOUNDATION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 24-195. This legislation will award a contract to RMH Concrete & Foundation of Collins, Ohio, for concrete work at ALPS Phase I in the amount of \$168,906.15. Three bids were received and reviewed by Kimley-Horn, the design architect for the project.

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

No: None

Motion carried.

Ordinance No. 24-195 adopted.

Ordinance No. 24-196, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: Shahmir

Motion carried.

Mr. Smith moved for passage of Ordinance No. 24-196. This legislation will authorize the Mayor to execute a personal service contract with Bramhall Engineering & Surveying Co. of Avon, Ohio, to extend engineering services into 2025.

In response to Mr. Shahmir, Mayor Spaetzel stated that there isn't a cap on the engineering fees because the contract is based on tasks assigned and fees assessed by their fee schedule in Exhibit A.

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

No: Shahmir

Motion carried.

Ordinance No. 24-196 adopted.

ORDINANCE NO. 24-197, 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.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-197. This legislation will authorize the Finance Director to make supplemental appropriations for the current fiscal year and complete year-end accounting.

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

No: None

Motion carried.

Ordinance No. 24-197 adopted.

Finance Director Widman left the meeting.

Ordinance No. 24-198, AN ORDINANCE RATIFYING THE AVON LAKE FIREFIGHTERS LOCAL 1361 AGREEMENT 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. 24-198. This legislation will ratify the agreement with the Avon Lake Firefighters Local 1361, effective January 1, 2025, to December 31, 2027. Contract negotiations concluded with an agreement that includes a 3% wage increase per year for the next three years.

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

No: None

Motion carried.

Ordinance No. 24-198 adopted.

Ordinance No. 24-199, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE #25/AVON LAKE DIVISION FOR THE POLICE OFFICERS AND DETECTIVES 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. 24-199. This legislation will extend the labor agreement with the FOP Lodge #25/Avon Lake Division of Police Officers and Detectives to February 28, 2025. The labor agreement expires December 31, 2024, and negotiations are still ongoing. Therefore, the FOP and the Administration have agreed to the extension.

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

No: None

Motion carried.

Ordinance No. 24-199 adopted.

Ordinance No. 24-200, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE #25/AVON LAKE DIVISION FOR THE SERGEANTS AND LIEUTENANTS 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. 24-200. This legislation will extend the labor agreement with the FOP Lodge #25/Avon Lake Division of Sergeants and Lieutenants to February 28, 2025. The labor agreement expires December 31, 2024, and negotiations are still ongoing. Therefore, the FOP and the Administration have agreed to the extension.

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

No: None

Motion carried.

Ordinance No. 24-200 adopted.

Ordinance No. 24-201, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LABOR AGREEMENT WITH THE FRATERNAL ORDER OF POLICE LODGE #25/AVON LAKE DIVISION FOR THE POLICE DISPATCHERS 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. 24-201. This legislation will extend the labor agreement with the FOP Lodge #25/Avon Lake Division of Police Dispatchers to February 28, 2025. The labor agreement expires December 31, 2024, and negotiations are still ongoing. Therefore, the FOP and the Administration have agreed to the extension.

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

No: None

Motion carried.

Ordinance No. 24-201 adopted.

Ordinance No. 24-202, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LABOR AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO & CLC LOCAL 836 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. 24-202. This legislation will extend the labor agreement with the United Steel Workers (USW) Local 836 to February 28, 2025. The labor agreement expires December 31, 2024, and negotiations are still ongoing. Therefore, the USW and the Administration have agreed to the extension.

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

No: None

Motion carried.

Ordinance No. 24-202 adopted.

Ordinance No. 24-203, AN ORDINANCE AUTHORIZING THE MAYOR TO EXTEND THE LABOR AGREEMENT WITH THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED-INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO & CLC LOCAL 836-1 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. 24-203. This legislation will extend the labor agreement with the USW Local 836-1 to February 28, 2025. The labor agreement expires December 31, 2024, and negotiations are still ongoing. Therefore, the USW and the Administration have agreed to the extension.

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

No: None

Motion carried.

Ordinance No. 24-203 adopted.

PUBLIC INPUT

Gerald Phillips, 461 Windward Way, Avon Lake, informed Council that ORC Section 731.07 states that salaries shall not be changed during a term; the salary of any officer of a city should not be increased or diminished during the term for which he was elected or appointed. He asked for a signed copy of the Interim Development

Agreement (IDA) with Avon Lake Environmental Redevelopment Group (ALERG) and stated that the City agreed to cooperate and assist ALERG in obtaining a maximum Tax Incremental Funding (TIF) of 30 years at 100% for approximately a \$60 million. That \$15 million would be used to purchase 23.71 acres of parkland and \$15 million for improvements to the parkland. On the night the IDA was passed by Council, Ms. Gentry asked if there was an appraisal, and she was told there was not one. However, it was discovered that the Lorain County Metroparks had, in fact, commissioned an appraisal. Attorney Todd Davis noted the appraisal in his billing records but failed to share it with Council. Mr. Phillips accused Attorney Davis of committing fraud through his concealment and false statement. The appraisal values the property at \$2.37 million, not \$15 million.

Regarding the Brownfield Committee, Mr. Phillips stated that he found Steve Luca's letter to be disturbing, wherein Mr. Luca stated that the City has designated the Community Improvement Corporation (CIC) to lead the City's redevelopment of the lakefront, and that Mr. Luca was serving as the key liaison for communication between the Administration, Council, and CIC. Mr. Phillips said that the Brownfield Committee held closed meetings and does not have meeting minutes.

William Zimmerman, 241 Moorewood Avenue, Avon Lake, restated some of Mr. Phillips' statements and referred the invoices of Attorney Todd Davis and the appraisal of \$2.37 million. He voiced his opposition to a TIF and believed the Brownfield Committee was corrupt. He said that he has spent days researching and locating papers about the Brownfield Committee, and he met with Law Director Ebert last week. He has filed a lawsuit in the Ohio Supreme Court, Case No. 2024-1711, and he will continue to sue the City. He disapproved of the Finance Director's salary.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:31 p.m.

Approved: /s/ Jennifer Fenderbosch
Council President

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