

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE CITY COUNCIL
JANUARY 13, 2025**

The regular meeting of the Avon Lake City Council was called to order on January 13, 2025, at 7 p.m. in the Council Chamber with President Pro Tem David Kos presiding.

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

Present: Councilmembers Amy Gentry, David Kos, Rob Shahmir, Geoff Smith, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Beth Krosse; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

Absent: Councilman Zach Arnold and Council President Jennifer Fenderbosch.

APPROVAL OF MINUTES

The minutes of the regular Council Meetings held on October 15, 2024; October 28, 2024; and November 12, 2024, were approved as prepared and published.

MAYOR'S REPORT

Mayor Spaetzel reported on the following:

Acknowledgments/Employee Updates

On August 30, 2024, Police Sgt. Justin Ludwig responded to a medical call about a resident who was in full cardiac arrest. He administered CPR until Fire Lt. Brian Gilles, Firefighter/Paramedics John Nakel, Richard Frygier, Michael Pertz, and Ben Kowall arrived. The Fire Department members began life-saving advanced cardiac care and restored the pulse of the resident, who was transferred to the hospital and made a full recovery. The care given by the Avon Lake Firefighter/Paramedics and the Police Department led to a favorable outcome.

Firefighter/Paramedic John Nakel retired today after 27 years of service. During his time with Avon Lake, he worked as an acting Lieutenant many times, served in various roles, was an active member of the Union and as a Union President, and was an active member of the Westshore Critical Response Team. Whenever there is a critical incident, the Westshore Critical Response Team assists other public safety agencies and public safety officials with those trauma events.

Avon Lake Play Space (ALPS) Update

On January 7, 2025, Planning Commission recommended approval of the Phase 2 Plans that include site improvements, equipment, lighting, and other elements in the new playground's design. Those plans will be reviewed in the Communications, Environmental, and Recreational Planning Committee meeting later this month and moved to a Council

Meeting in February to authorize the Public Works Director to advertise for bids for a contract for Phase 2.

Implosion Air Quality Update

Steve Gross of Verdantas contacted Mayor Spaetzel about the air quality monitoring Verdantas conducted regarding the implosion. They did not find anything in their preliminary results that indicates any type of public health concern, however, they are still evaluating all their data. Their air quality monitors found dust particulates were less than the National Ambient Air Quality Standards (NAAQS). The data was collected before, during, and after the implosion, and it showed that there were fewer particulates than two days prior to the implosion. The air quality monitors were set up at the following high receptor areas: Westview Elementary School, Troy Intermediate School, and Beachpark Tower. Verdantas will provide a written report, and it will be posted on the City's website.

Public Comment at Council Meetings

Mayor Spaetzel and Councilmembers have received many questions about the public comment portion at Council Meetings and the public records requests of two residents. To address those concerns, Mayor Spaetzel read a prepared statement.¹

Mr. Kos agreed with Mayor Spaetzel's statement regarding the public records requests and the burden it has placed on City employees. The requests have been excessive, and taxpayers' resources have been depleted. Regarding the air quality data, he asked if particles collected by residents would be tested.

Mayor Spaetzel stated that he is unaware if Avon Lake Environmental Redevelopment Group (ALERG) would be testing those particles, but he will support any independent testing of the particles by residents.

COUNCIL PRESIDENT'S REPORT

President Pro Tem Kos reported on the following:

Council will not meet on Monday, January 20, 2025, to observe Martin Luther King Jr. Day, and the rescheduled Collective Committee Meeting is Tuesday, January 21, 2025, at 7 p.m.

The next Council Meeting is Monday, January 27, 2025, at 7 p.m.

The City's website will undergo routine maintenance on Tuesday, January 14, 2025, from 10 p.m. until 5 a.m. During this time, the City's website will be inaccessible.

¹ The statement is on file with the Clerk of Council.

LAW DIRECTOR'S REPORT

Law Director Ebert reported that Gerald Phillips filed a lawsuit last August; a second lawsuit was filed on January 4, 2025; and a third lawsuit was filed today.

Regarding the public records requests noted earlier, the part-time Records Clerk spends approximately 24 to 26 hours per week fulfilling records requests. She keeps a voluminous chart of every request received and records its fulfillment. All records requests are funneled through her to ensure that all requests are tracked and an accurate record and accounting are maintained.

The Ohio Municipal League (OML) requested the support of communities for their actions to prevent revisions to the Ohio Revised Code that would allow an AT&T tariff from taking effect. The revisions would require governmental entities to comply and pay for relocation requests of underground utilities. If enacted, this would set a precedent for other utilities, such as FirstEnergy and Columbia Gas. OML was informed that the City will join in their efforts, and a resolution of support will be presented at the next Council Meeting.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

Christmas Tree Collections

Crews started collecting Christmas trees set out by the residents last week and will continue until January 10, 2025. Residents are reminded that trees should be free of ornaments, lights, and other decorations.

Annual Street Tree Pruning

Staff will begin pruning trees later this week and will work east to west from Jaycox Road to SR 83, and north to south from Lake Road to Walker Road. Crews have placed pre-empted signs on the streets affected and will rotate the signs throughout the scheduled areas.

City Hall Reconstruction

Servpro, the company overseeing the reconstruction, reassigned staffing prior to the holidays, and Public Works Director Liskovec will be meeting with the Project Manager to discuss a time frame for the project's completion.

Avon Lake Play Space (ALPS)

A pre-construction meeting was held last week with RMH Concrete & Foundations regarding the Phase 1 Project. A construction schedule was provided that begins in mid-to-late February with completion by April 18, 2025.

Letters of Interest (LOI) for the Traffic Impact Analysis (TIA)

The City received LOI from four firms, and Public Works Director Liskovec is reviewing them with the intention of making a selection later this week. The selected firm will then be instructed to provide the City with its Request For Proposal (RFP).

President Pro Tem Kos asked if the Administration plans to have the selected firm discuss the TIA with a Council Committee to give residents in the impacted area an opportunity to learn more about the TIA.

Mayor Spaetzel and Public Works Director Liskovec agreed that input from Council and residents is important for the study. All agreed that a joint committee meeting of the Public Safety and Health Committee and the Public Service Committee would be scheduled.

BUILDING AND UTILITIES COMMITTEE REPORT

Ms. Gentry reported on the Building and Utilities Committee as follows:

1. The Committee's next meeting is Wednesday, January 15, 2025, at 6 p.m. in the Council Chamber. The agenda for the meeting will include a review of the Sustainable Technical Assistance Resources (STAR) Program, the demolition ordinance, and the connection to the City's stormwater system.
2. The City received a grant from the Northeast Ohio Public Energy Council (NOPEC) in the amount of \$67,390 for 2025. This annual grant is determined by the number of City residents who are members of NOPEC.

Mr. Zuber asked if the City has earmarked this grant for a project yet.

Mayor Spaetzel stated that grants from NOPEC accumulate over time, and the City has two to three years to spend it. The Administration will analyze the best way to use these funds and will consider LED improvements to streetlights in the Lear Road and Jaycox Road areas.

Public Works Director Liskovec stated that funds are used for energy efficiency improvements, and last year's projects included HVAC replacements in various buildings and lighting upgrades.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported on the Communications, Environmental, and Recreational Committee as follows:

1. The Committee's next meeting is Monday, January 27, 2025, at 6 p.m. in the Council Chamber. The agenda for the meeting will include the ALPS project schedule, a review of the implosion air quality report, and a representative from HZW Environmental Consultants to report on the City's landfill closure.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. The Committee met on January 6, 2025, and discussed the list of the City's bank depositories, which must be approved every five years; a grant for bulletproof vests for the Police Department; the 2025 Budget; a fire truck purchase; the culvert replacement project; a new Fire Station; the renewal of the operating levy; ACH transactions with the Lorain County Auditor and Treasurer; the 2023 Audit extension requests by the State Auditor, who needed additional time based on their workload schedule; amended appropriations; and City Hall reconstruction.
2. The Committee's next meeting is Monday, February 3, 2025, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

Mr. Smith reported on the Human Resources Committee as follows:

1. The Committee met earlier today and discussed Fire Marshall McKay's return to his duties as Fire Captain; the USW Local 836 and 836-1 contracts; Civil Service updates that include a Dispatcher/Records Clerk exam on January 29, 2025; and the removal of candidates from the eligibility list in the Police Department and Fire Department.
2. The acceptance of the resignation of Firefighter/Paramedic John Nakel will be added to the Council agenda.
3. HR Director Lynn Kernya addressed Council regarding the USW Local 836 and 836-1 contracts. The contracts include increases in the clothing allowance, from \$650 to \$750 per year, and in longevity pay for 21 through 25 years of service. A new clause was added that states only 10 members can take leave at one time, and only 4 members during the month of November. The wage increase will be 3% per year for the next 3 years, and members will be reimbursed for their achievement of a Class A CDL or Class B CDL, as approved by the Public Works Director. The definition of the probationary term for the members as 12 months, accrued compensatory time allowance, sick-time payout on retirement, and a member's sick bank were included in the contract.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

Mr. Kos reported on the Public Safety and Health Committee as follows:

1. The Committee's next meeting is Tuesday, January 14, 2025, at 5:30 p.m. in the Council Chamber.
2. Appointment of Mikayla Hyland to the Lorain County Board of Health.

The City of Lorain Board of Health used to act as the City's Board of Health. When Lorain disbanded its Board of Health, the City joined the Lorain County Public Health, which established a citizen board with representatives of the communities they service. After the City's representative Ed McNamara resigned, Mikayla Hyland was selected to fill the vacancy. She will also represent the cities of Sheffield Lake and Avon; Mayor Rocky Radeff and Mayor Brian Jensen support her appointment.

Ms. Hyland addressed Council. She stated that she is a lifelong resident, a professional tattoo artist, and a co-owner of Reflection Room Tattoo Company in Avon Lake. She holds a Master's in Bioethics from Case Western Reserve University and is currently enrolled in the master's program for Public Health at Brown University.

Lorain County Public Health Commissioner Mark Adams addressed Council. He explained that the Board consists of five City members, four County members, and one District member, who is licensed. It is a quasi-legislative body that can pass resolutions. The Board evaluates health assessments, ailments, or chronic diseases and will implement programs to curtail these issues through information and/or programming. The Board also oversees fiscal responsibility and reviews the budget of the Lorain County Public Health.

PLANNING COMMISSION REPORT

Mr. Smith reported on Planning Commission as follows:

1. The Commission met on January 7, 2025, and an Oath of Office was administered to Scott Orille for another five-year term, expiring December 31, 2029.
2. The ALPS Redevelopment Phase 2 Site Plan was approved by a vote of 7-0, subject to the exclusion of the north parking.
3. The Planning & Zoning Code changes were discussed.

ZONING BOARD OF APPEALS REPORT

Mayor Spaetzel reported on the Zoning Board of Appeals as follows:

1. The Zoning Board of Appeals' next meeting is Wednesday, January 27, 2025, at 7 p.m. in the Council Chamber.

AUDIENCE PARTICIPATION

Gerald Phillips, Avon Lake, addressed Council regarding Ordinance No. 24-194 regarding the HZW Environmental Consultants' contract. He claimed that HZW had performed the services identified on page 2 of the contract and asked why Council was authorizing a contract ex post facto, or after the services were rendered. He wanted to know if there was a warrant issued by the Finance Director to authorize these services because it is required by law. He believed that the legislation did not conform to general acceptable governmental procedure; HZW was not entitled to compensation, as they performed the work pro bono; and the City was correcting a mistake.

William Zimmerman, Avon Lake, also addressed Council regarding Ordinance No. 24-194. He claimed that the legislation does not state the name of the firm that will be awarded a contract, but only states that it is a "Personal Services Agreement for Environmental Consultant Services and Declaring an Emergency." He believed Council was negligent by not stating the firm and the firm shouldn't be paid. He was confused about how an error like this could have happened, and he questioned if he should have made a public records request to learn the name of the firm. Because of these questions, he believed it should be tabled until the firm is identified.

Mr. Zuber addressed the comments of Mr. Phillips by reading Section No. 2 of Ordinance No. 24-194, which states:

"That said agreement shall state in its terms that the cost of said personal services shall not exceed \$68,200. Upon receipt of itemized billing, in conformance with the guidelines and scope of work as set forth in said agreement, to the satisfaction of the Public Works Director, the Director of Finance is hereby directed to deliver to HZW Environmental Consultants, LLC, the warrant of this City in the amount due and payable and to cause said warrant to be paid."

He reiterated that the firm is named in Section No. 2, and there is a warrant to pay their fees.

President Pro Tem Kos stated that Councilmembers have reviewed Ordinance No. 24-194 and agreed that it identifies the firm and the amount to be paid.

Mr. Shahmir noted that the scope of work to be performed will be done in 2025, and Section No. 1 of the legislation states:

“That the Mayor is hereby authorized and directed to enter into an agreement with HZW Environmental Consultants, LLC, of Mentor, Ohio, for the purpose of retaining personal services to monitor the closed landfill.”

Public Works Director Liskovec explained that HZW’s contract outlines the work they performed in 2024 and the work to be performed in 2025. The landfill monitoring contract was set up many years ago to have the work performed by the end of 2025.

Mr. Shahmir recommended having a contract that begins on January 1 and ends on December 31 as a management tool that would address issue(s) that arise during that year instead of moving them to the following year.

Law Director Ebert stated that the HZW contract states that the work to be performed, e.g. post-closure inspection, will be done quarterly through September of 2025.

Mr. Shahmir understood that the contract goes until September, which was why he recommended it go until the end of the year. Should an issue be identified in the final report after September 30, then a response will be needed. If a Master Services Agreement (MSA) is in place at the start of a year, then any issue could be closed by the end of the year.

Mr. Smith stated that he reviewed the contract, and the last line on the first page states that the current contract period goes through 2024. It was during this period that all the tasks HZW listed occurred, and they were paid in the past; they are not seeking to be paid retroactively.

President Pro Tem Kos appreciated the clarification from everyone and reiterated that the firm’s name was listed twice in the ordinance, and the issues questioned during Audience Participation were identified in the legislation as stated.

MOTIONS

Mr. Smith moved to add a motion to the Council agenda to accept the resignation of Firefighter/Paramedic John Nakel.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Shahmir moved to authorize the Mayor to renew the Lease Agreement with Avon Lake Public Library for one year to use the Library’s office space on the lower level by the Avon Lake Cable Studio and the Communications and Technology Department.

Law Director Ebert stated that this renewal is for the second year of a five-year lease. The rental fees charged are 5% of the utility charges for the rental space, or \$3,000.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Smith moved to accept the resignation of Firefighter/Paramedic John Nakel, due to his retirement, effective January 13, 2025, at 7 a.m.

After 27 years of service to the City, Firefighter/Paramedic Nakel chose to retire.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

LEGISLATION

Second Reading:

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.

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

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Kos moved for passage of Ordinance No. 24-194. This legislation will authorize the Mayor to execute a personal services agreement with HZW Environmental Consultants, LLC, of Mentor, Ohio, for monitoring services at the closed landfill in an amount not to exceed \$68,200.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance 24-194 adopted.

First Readings:

Ordinance No. 25-1, AN ORDINANCE PROVIDING FOR THE DESIGNATION OF U.S. BANK, FIFTH THIRD BANK, HUNTINGTON NATIONAL BANK, AND FIRST FEDERAL LAKEWOOD AS PUBLIC DEPOSITORIES OF THE CITY AND AWARDING THE DEPOSIT OF ACTIVE FUNDS 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-1. This legislation will designate the public depositories for active and interim funds of the City pursuant to Ohio Revised Code Section 135.18. Designations are required every five years, and the depositories the City will designate are U.S. Bank, Fifth Third Bank, Huntington National Bank, and First Federal Lakewood and will expire January 1, 2029.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance 25-1 adopted.

Resolution No. 25-2, A RESOLUTION REQUESTING THAT THE COUNTY AUDITOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.03, CERTIFY TO THE CITY OF AVON LAKE THE TOTAL CURRENT TAX VALUATION OF AVON LAKE THAT HAS TERRITORY LOCATED IN LORAIN COUNTY, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A 1.50 RENEWAL LEVY FOR THE OPERATING EXPENSES UNDER OHIO REVISED CODE 5705.191, 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Zuber moved for passage of Resolution No. 25-2. This legislation will request the County Auditor to certify the current tax valuation and the revenue that would be generated by a 1.5 renewal levy for the operating expenses of the City. This is the first step necessary to place a renewal levy on the May 6, 2025, primary election.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Resolution 25-2 adopted.

Resolution No. 25-3, A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE LORAIN COUNTY AUDITOR AND COUNTY TREASURER'S OFFICE FOR ACH AND ELECTRONIC TRANSACTIONS 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Zuber moved for passage of Resolution No. 25-3. This legislation will authorize the Finance Director to enter into an agreement with the Lorain County Auditor and County Treasurer's Office to share the City's banking information and enable ACH transactions for the receipt and payment of funds or to make any changes to the bank accounts on behalf of the City.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Resolution No. 25-3 adopted.

Ordinance No. 25-4, AN ORDINANCE TO MAKE AMENDED TEMPORARY APPROPRIATIONS FOR THE CURRENT AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-4. This legislation will authorize the Finance Director to amend the temporary appropriations for 2025 to move funds from

the Water Fund 701 to the Water Collection Fund 723 and Sewer Fund 721 to the Sewer Collection Fund 724.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance No. 25-4 adopted.

Ordinance No. 25-5, AN ORDINANCE APPROVING TRANSFERS OF FUNDS 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-5. This legislation will approve transfers of temporary appropriations in Resolution No. 24-188, pertaining to the Enterprise Funds on behalf of the Municipal Utilities Department.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance No. 25-5 adopted.

Resolution No. 25-6, A RESOLUTION APPOINTING MIKAYLA HYLAND AS THE CITY REPRESENTATIVE TO THE LORAIN COUNTY BOARD OF HEALTH 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Kos moved for passage of Resolution No. 25-6. This legislation will appoint Mikayla Hyland as the City Representative to the Lorain County Board of Health for a term commencing January 14, 2025, and expiring March 31, 2026. Avon Lake and the Cities of Avon and Sheffield Lake share a representative on the Board and have agreed to

the selection of Ms. Hyland based on her education, experience, and certifications related to public health.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Resolution No. 25-6 adopted.

Resolution No. 25-7, A RESOLUTION ACCEPTING THE OHIO LAW ENFORCEMENT BULLETPROOF VEST PROGRAM GRANT 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Kos moved for passage of Resolution No. 25-7. This legislation will accept the Ohio Law Enforcement Bulletproof Vest Program Grant award from the Ohio Bureau of Worker's Compensation for the purchase of 12 bulletproof vests in the amount of \$15,522.24, less the 25% match requirement, or \$3,889.56, for a net award of \$11,641.68.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Resolution No. 25-7 adopted.

Ordinance No. 25-8, AN ORDINANCE AMENDING ORDINANCE NO. 22-115 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-8. This legislation will approve the amendment of Ordinance No. 22-115 by removing Captain Christofer McKay as the

City's Fire Marshal effective January 1, 2025. Captain McKay has been the City's Fire Marshal since August 1, 2022, and recently requested a reassignment of his duties. The new Fire Marshal will be Captain Steve Marti, and his appointment is governed by the terms of the Collective Bargaining Agreement.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance No. 25-8 adopted.

Ordinance No. 25-9, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-9. This legislation will authorize the Mayor to enter into a three-year Labor Agreement with the USW Local 836 commencing January 1, 2025, and expiring December 31, 2027. The contract terms include an increase in the annual clothing allowance of \$650 to \$750 and longevity pay from 21 to 25 years; a new clause that will limit 10 members' time off at the same time, and 4 members' time off during the month of November; a wage increase of 3% per year for the next 3 years; Class A and Class B Commercial Driver's License (CDL) reimbursements; new clauses on probationary terms, compensatory time, and a member sick bank; clarification of retirement sick payout; and grammatical corrections.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance No. 25-9 adopted.

Ordinance No. 25-10, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 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

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-10. This legislation will authorize the Mayor to enter into a three-year Labor Agreement with the USW Local 836-1 commencing January 1, 2025, and expiring December 31, 2027, under the same terms identified in the previous legislation.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Ordinance No. 25-10 adopted.

PUBLIC INPUT

Gerald Phillips, Avon Lake, addressed Council about the City allegedly abusing the legal system through its selective enforcement of residents who have exercised their First Amendment right to speak against the City. He cited Ohio Revised Code 2921.45, Interfering with Civil Rights, and spoke on the lawsuit he filed against the Mayor, the Law Director and his firm, the Police Chief, Officer Goodwin, Mr. Munro, John Doe Members of Council, and John Doe Members of the Avon Lake Municipal Utilities Board. He stated that he has evidence that the Mayor leaked information to *The Chronicle* to discredit him and expressed his outrage that ALCTV filmed his arraignment in Avon Lake Municipal Court on January 8, 2025. Also, he has received hate mail from "Friends of Spaetzel." He opined that Executive Sessions are not statutory privileges, like attorney-client privilege; everything discussed in Executive Sessions is discoverable. If someone speaks about discussions held in Executive Session, they waive that privilege. He chronicled the events of December 19, 2025, the date of the second implosion of the former Power Plant, whereby he was served with a disorderly conduct ticket. He discovered that a duplicate ticket filed with the Municipal Court was altered by someone in the City. He intends to report this claim to the County Sheriff and County Prosecutor and request an investigation.

William Zimmerman, Avon Lake, commented on the statement read by the Mayor earlier and stated that public records requests are not frivolous if one gains information. He encouraged the public to watch "Concerned Citizens" on ALCTV,

repeated the statement of Mr. Phillips regarding the altered ticket, and cited past experiences he has had with the Avon Lake Police Department.

Dr. Kenneth Remy, Avon Lake, announced that the Harlem Wizards Basketball Team will perform on Monday, February 17, 2025, at 7 p.m. at Avon Lake High School and stated that the event is intended to raise funds for school athletics and activities.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Kos reported that the 2024 Toys for Tots Campaign in Lorain County distributed 21,218 toys to 5,379 Lorain County families. All toys and money collected in Lorain County are given to children in Lorain County.

EXECUTIVE SESSION

In compliance with Ohio Revised Code Section 121.22(G)(2), Mr. Zuber moved for Council to adjourn to Executive Session to discuss the sale, purchase, or lease of property.

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Adjournment: 8:32 p.m.

RECONVENING TO OPEN SESSION

Yes: Gentry, Kos, Shahmir, Smith, Zuber

No: None

Absent: Fenderbosch, Arnold

Motion carried.

Adjournment: 9:32 p.m.

Approved: *Jennifer G. Fenderbosch*
Council President

Attest: *Valerie E. Rosmarin*
Clerk of Council

Statement:

The City of Avon Lake is committed to responding to public records requests promptly and diligently, ensuring transparency and supporting citizens in exercising their First Amendment rights. In 2023, we created a new Records Clerk position to further enhance our ability to manage and fulfill public records requests efficiently.

Unfortunately, Mr. Gerald Phillips and Mr. William Zimmerman have made it their mission to hinder the City's ability to provide quality services through an overwhelming number of public records requests and frivolous lawsuits. In 2024 alone, they submitted over 100 records requests. Between late October and late December 2024, the Records Clerk dedicated 103 hours to responding to these requests. This time-consuming effort is only a fraction of the significant resources expended by employees, including the Mayor and department heads, to comply with excessively broad requests—some of which resulted in the generation of tens of thousands of documents.

Mr. Phillips and Mr. Zimmerman have openly stated their intent to sue the City as frequently as possible. In 2024, they filed three lawsuits against the City and have publicly threatened additional lawsuits in 2025. The City will vigorously defend against these actions and explore all legal options to safeguard its ability to deliver high-quality services while protecting taxpayer dollars from unnecessary waste.

At each Council meeting, these individuals make false and baseless allegations, displaying open disdain and disrespect toward Council members, the administration, and other residents. Their actions have significantly disrupted the ability of City Council and the administration to focus on their essential work for the community. While Avon Lake values healthy debate and encourages residents to express their opinions, it is critical to maintain respectful and constructive dialogue. Historically, disagreements over City policies and decisions have been voiced in a dignified and productive manner, and we encourage all residents to continue participating in this way, undeterred by the negativity created by these individuals.

Despite these challenges, the City Council and the Mayor remain steadfast in their commitment to serving Avon Lake's residents. We will continue to prioritize the prudent use of tax dollars, uphold transparency, and deliver the excellent services that our community deserves.

**This statement was read at the Regular Council Meeting on January, 13, 2025, by Mayor Spaetzel during the Mayor's Report and is referenced on page 2 of the Council Meeting minutes.*