

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE CITY COUNCIL
JANUARY 27, 2025**

The regular meeting of the Avon Lake City Council was called to order on January 27, 2025, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

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

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

Absent: Mayor Mark Spaetzel.

APPROVAL OF MINUTES

The minutes of the regular Council Meeting held on November 25, 2024; December 9, 2024; and December 16, 2024, were approved as prepared and published.

CORRESPONDENCE

- A thank you note from Elsie Robinson was received. She extended her thanks and appreciation for the proclamation Mayor Spaetzel issued for her 100th birthday last November.
- Mr. Shahmir reported that he received many phone calls from residents about their disapproval of the Mayor's Minute which aired last week. He understood their objections and stated that civil discourse is a function of government. A forum must be available for people to discuss their views. As a resident, he gave examples of times when he believed he was denied information by the City, which motivated him to seek an elected office. As an elected official, he believes that he is still not fully informed. When residents have issues, venues for discussion should be available. However, he doesn't see the Administration or Council having said discussions with residents. Civility must be respected by all parties.

Council President Fenderbosch responded to Mr. Shahmir's comments. The proper venue to discuss issues is through a Council Committee. The purpose of the Collective Committee Meeting is to prepare for the Council Meeting, and the function of a Council Meeting is to move the City's business along. She stated that there are other forums for dialogue, and Councilmembers have different methods of handling the needs of their constituents. For example, Mr. Shahmir has monthly Ward meetings, and she prefers meeting with her constituents individually. Council

will be enacting new procedures such as offering residents the opportunity to schedule time for further discussion on a particular topic at the end of every meeting.

COUNCIL PRESIDENT’S REPORT

Council President Fenderbosch reported on the following:

1. The next Collective Committee Meeting is Monday, February 3, 2025, at 7 p.m. in the Council Chamber.
2. The next Council Meeting is Monday, February 10, 2025, at 7 p.m. in the Council Chamber.
3. “Anchoring Our Community” will host the Harlem Wizards Fundraiser Game on Monday, February 17, 2025, at Avon Lake High School. This event will benefit Avon Lake City Schools’ extracurricular activities and spotlight sponsorships by small businesses. Pre-game festivities begin at 5:30 p.m., and game time is at 7 p.m. Additional information is available at www.avonlakeanchoringcommunity.com.

PUBLIC WORKS DIRECTOR’S REPORT

Public Works Director Liskovec reported on the following:

Emergency Repairs on Walker Road

A water main service line has been leaking that resulted in a section of Walker Road heaving near Armour Road. Avon Lake Regional Water will be conducting emergency repairs starting January 28, 2025, between Armour Road and Avon Point Avenue. The roadway will reopen by the end of the week.

Deer Culling Program

The United States Department of Agriculture (USDA) has fulfilled the 40 tags that were issued for the 2024/2025 Deer Management Program, and the program has concluded for the season.

Street Tree Trimming Program

The Street Tree Trimming Program was delayed due to the extreme cold temperatures last week, and crews will now be moving forward. A map will be posted on the City’s website highlighting the general location where crews will be working.

Historic Artifacts

The Avon Lake Historical Society coordinated the donation of light poles from the former Power Plant to the City.

Mr. Kos stated that there has been an effort to preserve some historic artifacts from the former Power Plant. Tony Tomanek of the Avon Lake Historical Society, the Avon Lake Historical Preservation Commission, members of Avon Lake Environmental Redevelopment Group (ALERG) and the Avon Lake Public Library are planning to display the artifacts in a public parkland or museum setting.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. Northeast Ohio Public Energy Council (NOPEC)'s Sustainable Technical Assistance Resources (STAR) program will begin in February.
2. The Committee's next meeting is Wednesday, February 19, 2025, at 6 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

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

1. Vacancies for three-year terms exist on the Communications and Technology Commission and the Parks and Recreation Commission. Interested residents are instructed to submit a letter of interest and resume to Valerie Rosmarin, Clerk of Council, at 150 Avon Belden Road, Avon Lake, or at vrosmarin@avonlake.org.
2. The Communications and Technology Commission seeks individuals with expertise or experience in: laws pertaining to the Federal Communications Commission (FCC) regulations, copyright, and internet regulations; technology relating to media communications; marketing and social media; education and non-profits; consumer affairs relating to cable access and internet communications; and an understanding of Avon Lake and ALC-TV.
3. The Parks and Recreation Commission shall recommend rules, regulations, and policies governing all public parks and facilities; they may recommend the acquisition of land and improvements for improvements to all parks and grounds used for public purposes.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the Economic Development Committee as follows:

1. There are vacancies on the Community Reinvestment Area (CRA) Housing Council.

Interested residents are instructed to submit a letter of interest and resume to Valerie Rosmarin, Clerk of Council, at 150 Avon Belden Road, Avon Lake, or at vrosmarin@avonlake.org.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. There are several items from the Committee on the agenda. Particularly, the resolution placing the tax levy renewal on the primary ballot in May. This levy has been in existence for over 30 years. It is a 1.5 mil levy that will fund the City's operating expenses and collect approximately \$1.1 million.
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's next meeting is Monday, February 10, 2025, at 6 p.m. in the Council Chamber.
2. The Civil Service Commission meeting is Monday, February 3, 2025, at 4:30 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

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

1. The Committee's regular meeting of February 18, 2025, will be rescheduled due to the President's Day holiday. When a new date has been determined, it will be posted on the City's website.

PUBLIC SERVICE COMMITTEE REPORT

Council President Fenderbosch reported on the Public Service Committee as follows:

1. The Committee's next meeting is Wednesday, February 5, 2025, at 5:30 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

Mr. Smith reported on the Planning Commission as follows:

1. The Commission's next meeting is Tuesday, February 4, 2025, at 7 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

In Mayor Spaetzel's absence, Council President Fenderbosch reported on the Zoning Board of Appeals as follows:

1. A vacancy for a five-year term exists on the Board. The purpose of the Board is to determine the viability of all zoning applications in the City that includes hearing arguments on requests for zoning exceptions. The Board meetings are held on the fourth Wednesday of the month with the exception of November and December whereby they meet on the second Wednesday in December.

TREE COMMISSION REPORT

Council President Fenderbosch reported on the Tree Commission as follows:

1. The Commission's next meeting is Wednesday, February 12, 2025, at 6 p.m. at the Old Firehouse and Community Center.

AUDIENCE PARTICIPATION

The following individuals addressed Council regarding Ordinance No. 25-16:

Gerald Phillips, Avon Lake, stated that he learned through a public records request that there were 46 incidents in the past five years at the intersection of SR 83 and Walker Road, 9 of which were caused by speeding. If Council approves Flock cameras at a cost of \$53,000 for this intersection that has had a minimal number of speeding incidents, then they aren't being good stewards of the City's finances.

William Zimmerman, Avon Lake, said that a camera overlooking an intersection provides a minimal amount of information, and he questioned the wasteful spending of taxpayer's money for these cameras. Most accidents are because of driver error and not speed. The Flock System is ineffective, and it's an invasion of privacy. He asked why Mr. Arnold is recusing himself from voting on Ordinance No. 25-15.

Malachi Witt, Avon Lake, said he would like to evaluate the usefulness of the Flock System and asked how he could find out more about the accidents in the intersection. He voiced his concern with budgeting these types of services combined with other services and asked if there is justification for it. He would like more information and data to understand what's the impact or benefit of it.

Neil Rush, Avon Lake, stated that he is also concerned about the cost of the Flock

System and adding cameras at other intersections and would like to compare the cost versus its benefit. He understood that the cameras would capture what occurs in the intersection but asked if they would also check license plates. In his opinion, technology can get ahead of the laws, and the American Civil Liberties Union offers good advice about the Flock Systems. He is concerned about privacy, and he wants to ensure that all the information is destroyed after 30 days, as stated.

MOTION

Council President Fenderbosch moved to permit Mr. Arnold to be excused from voting on Ordinance No. 25-15 pursuant to Codified Ordinance 220.19(b). Due to a conflict of interest, Mr. Arnold is unable to vote on this legislation.

Mr. Zuber stated that Mr. Arnold always abstains from legislation regarding Bramhall Engineering because they are a client of his.

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

No: None

Motion carried.

LEGISLATION

First Readings:

Ordinance No. 25-11, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2025 ENERGIZED COMMUNITY GRANT(S) AND DECLARING AN EMERGENCY, was read by title only.

Ms. Gentry moved to suspend the rule requiring three readings.

After the motion was made, it was noted that the rule would not be suspended because this legislation was intended to be read three times.

Ms. Gentry moved to withdraw her motion.

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

No: None

Motion carried.

This legislation will authorize the yearly agreement the City enters into with NOPEC to receive grants, and it will allow the Mayor to accept said grants. The City will be receiving \$67,390 in 2025, and those funds will be spent toward energy efficiency implementation. The City has two years to spend these funds.

Resolution No. 25-12, A RESOLUTION SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE TO AT&T's TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO AND DECLARING AN EMERGENCY, was read by title only.

Ms. Gentry moved for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Ms. Gentry moved for passage of Resolution No. 25-12. This legislation will support the Ohio Municipal League's (OML) challenge of ATT&T's application to change its tariff that would require municipalities to pay the full cost of any relocation or undergrounding of AT&T facilities, regardless of the reason, in direct contradiction to current Ohio law.

Law Director Ebert reported that AT&T withdrew their application, but the OML plans to move forward with their opposition because AT&T could refile, or other utilities may file an application.

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

No: None

Motion carried.

Resolution No. 25-12 adopted.

Resolution No. 25-13, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO DISPOSE OF CERTAIN SURPLUS CITY PROPERTY NO LONGER NEEDED FOR PUBLIC USE, BY INTERNET AUCTION FROM FEBRUARY 1 THROUGH DECEMBER 31, 2025, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Resolution No. 25-13. This legislation will permit the Finance Director to dispose of surplus City property by internet auction on the following internet auction sites: govdeals.com, propertyroom.com, and publics surplus.com.

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

No: None

Motion carried.

Resolution No. 25-13 adopted.

Resolution No. 25-14, A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO PARTICIPATE IN VARIOUS COOPERATIVE PURCHASING PROGRAMS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Resolution No. 25-14. This legislation will authorize the Finance Director to participate in governmental cooperative purchasing programs for the purchase of vehicles, machinery, materials, supplies, and other articles for the City for the calendar year 2025.

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

No: None

Motion carried.

Resolution No. 25-14 adopted.

Ordinance No. 25-15, AN ORDINANCE AUTHORIZING THE MAYOR TO APPROPRIATE FUNDS FOR THE PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Zuber

No: Shahmir, Smith

Abstention: Arnold

Motion failed.

This legislation will authorize the Mayor to appropriate funds for work to be performed by Chris Howard of Bramhall Engineering & Surveying Co., of Avon, Ohio, the City's contracted engineer. Council authorized a Personal Services Agreement by Ordinance No. 24-196, and this is the companion legislation to appropriate funds for an amount not to exceed \$150,000.

Mr. Shahmir asked if the engineering services will continue through 2025 and if the \$150,000 is capped. In 2024, the City paid Bramhall \$270,000. Since Mr. Howard has been providing services for over a year to the City, he opposed suspending the rule because he believed the City should have planned for this appropriation and moved it through the Council process of three readings. The City should hire an in-house Engineering Manager and establish an Engineering Department.

Mr. Smith explained the reason he voted against the suspension of the rule. The City must have a plan in place for engineering services to be done, and the City Charter calls for an engineer. He asked for an understanding of what that plan will be.

Council President Fenderbosch requested Public Works Director Liskovec to discuss the prospect of hiring an in-house engineer with Mayor Spaetzel and provide Council with answers to their questions.

Ordinance No. 25-16, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FOUR-YEAR PERSONAL SERVICES AGREEMENT WITH FLOCK, INC., FOR THE FLOCK SAFETY PLATFORM AND FLOCK SAFETY VIDEO PRODUCTS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 25-16. This legislation will authorize the Mayor to execute a four-year contract with Flock, Inc., of Atlanta, Georgia, to operate two cameras at the intersection of SR 83 and Walker Road and Lear Road and Walker Road. Initially, the cost of the contract was \$53,000, but the new cost is \$49,918.92 and will be split equally over four years, or \$12,479.53 per year.

Mr. Kos reported that Police Chief Vince Molnar explained the benefits of the Flock System at the Public Safety and Health Committee and the Collective Committee Meeting. These cameras will help in accident investigations or other incidents, such as identifying the direction a fleeing suspect's car is traveling. The Flock System's technology is an advance in policing that many communities have accepted. These cameras are not license plate readers. The Police Department will access video footage when needed, and an internal policy has been established on camera access and 30-day retention.

Mr. Smith, who is an attorney, stated that these types of cameras have been very helpful to defendants who have been accused of various crimes, and they are helpful in accident reconstruction. It is a safety issue, and it helps the public and the Police. The video is only available for 30 days. If someone needs a copy of footage during that time frame, they need to request it from the Avon Lake Police Department.

Ms. Gentry stated that these are not speed cameras.

Mr. Zuber stated that these cameras enhance the resources of the Police Department and benefit the residents.

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

No: None

Motion carried.

Ordinance No. 25-16 adopted.

Resolution No. 25-17, A RESOLUTION TO APPROVE THE APPLICATION MADE BY ABK LIMITED TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve an application from ABK Limited, also known as Klingshirn Winery, 33050 Webber Road, Avon Lake to designate four parcels on 21.69 acres as an agricultural district. The property owner/proprietor is Lee Klingshirn. Agricultural designations are required to be filed every five years, and Mr. Klingshirn on behalf of ABK Limited is seeking Council's approval. The application is filed with the Lorain County Auditor, and it requires the property's description, acreage, and financial documents if it is commerce. A public hearing is required for the designation, and it will be held on February 10, 2025.

Resolution No. 25-18, A RESOLUTION TO APPROVE THE APPLICATION MADE BY LNK LIMITED TO HAVE CERTAIN LAND OWNED BY IT DESIGNATED AS BEING LOCATED WITHIN AN AGRICULTURAL DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve an application from LNK Limited, 33090 Webber Road, Avon Lake, and is the companion piece of Resolution No. 25-17. The acreage for this parcel is 4.78.

Ordinance No. 25-19, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF AVON LAKE FOR THE FISCAL YEAR 2025 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize appropriations for the 2025 Budget. A temporary budget for 2025 was approved by Resolution No. 24-188 last December. Thereafter, Council and the Administration reviewed budget projections in January to determine the permanent budget for 2025.

Finance Director Krosse stated that she has successfully closed the 2024 financials, which helped finalize the budget process.

Resolution No. 25-20, A RESOLUTION SUBMITTING THE QUESTION OF THE RENEWAL OF A TAX LEVY FOR THE PURPOSE OF PROVIDING FOR THE CURRENT EXPENSES OF THE CITY OF AVON LAKE, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 (A), AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Resolution No. 25-20. This legislation will submit the question of renewing the tax levy to the electors of Avon Lake. The filing deadline with the Lorain County Board of Elections to have the tax levy on the May primary ballot is February 5, 2025. If renewed, property owners will be assessed \$23 for every \$100,000 of their property's appraised value. It is not an increase but a renewal that has been ongoing for over 30 years. The tax revenue will generate \$1,099,000 per year for five years.

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

No: None

Motion carried.

Resolution No. 25-20 adopted.

Resolution No. 25-21, A RESOLUTION AUTHORIZING THE MAYOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT THE NATUREWORKS GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Resolution No. 25-21. This legislation will accept the Natureworks Grant, Round 30, from the Ohio Department of Natural Resources (ODNR) in the amount of \$69,816 for the installation of an all-inclusive playground at Bleser Park, also known as Avon Lake Play Space (ALPS).

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

No: None

Motion carried.

Resolution No. 25-21 adopted.

PUBLIC INPUT

Gerald Phillips, Avon Lake, announced the shows on ALC-TV that he has hosted. He gave Councilmembers a copy of the appraisal of the former Power Plant from the Lorain County Metroparks, which is associated with the Interim Development Agreement (IDA) and valued at \$2.37 million and not \$15 million. The appraisal was never disclosed to

Council by Attorney Todd Davis. Mr. Phillips cited Ohio Revised Code (ORC) Section 2921.13, Falsification, and demanded Attorney Davis be fired for his failure to inform Council. He further demanded that Law Director Ebert file a taxpayer's suit to invalidate the IDA since it was procured by fraud.

Mr. Phillips also addressed two disorderly conduct tickets. He signed one, and the other had his signature but he never received it. He asked if the City planned to investigate the Police Department for tampering with evidence pursuant to ORC Sections 2912.12, 2913.42, and 2921.31.

Garth Peterson, Avon Lake, informed Council that he is a private detective and has filed a criminal complaint with the Avon Lake Police Department against Spectrum due to allegations that they committed fraud. He is interested in knowing if other residents have had similar experiences with Spectrum. He asked the public to be an aware citizen, and "if you see something, say something". He resides on Curtis Drive and offers his assistance to residents. If anyone notices Spectrum or another contractor working in Avon Lake that they believe may cause imminent danger, they should call 911. He told of a resident postal delivery from Amazon that included pharmaceuticals. The package was open and empty, not at the point of delivery, but at the Post Office. He encouraged residents to be cautious when purchasing prescriptions via Amazon.

William Zimmerman, Avon Lake, announced that he, too, is involved in the shows on ALC-TV that Mr. Phillips described. He restated Mr. Phillips' issues with corruption and doctoring evidence, which is a third-degree felony. He retold an incident he experienced with the Avon Lake Police Department and demanded the attention of Councilmembers, who were not listening to his comments. He proceeded to berate certain members and appealed to Council to give him \$50,000 to organize an oversight committee.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mr. Shahmir announced that his Ward I meeting will be held on Tuesday, January 28, 2025, at 5:30 p.m. at the Avon Lake Public Library.

Council President Fenderbosch announced that the deadline to file a petition with the Lorain County Board of Elections for the Council At-Large positions is Wednesday, February 5, 2025.

Mr. Zuber announced, for the record, that Zach Arnold is a smart man.

Mr. Kos moved for adjournment.

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

No: None
Motion carried.

Adjournment: 8:28 p.m.

Approved: */s/ Jennifer Fenderbosch*
Council President

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