

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
FEBRUARY 10, 2025**

The regular meeting of the Avon Lake City Council was called to order on February 10, 2025, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

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

Present: Councilmembers 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 Beth Krosse; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

PUBLIC HEARING

A Public Hearing was called to order at 7:01 p.m. upon an application made by ABK Limited and LNK Limited to have certain land owned by them designated as being located within an agricultural district. The property owners, Lee and Nancy Klingshirn of Klingshirn Winery come before Council and the Lorain County Auditor to renew this agricultural designation every five years. The property encompasses two parcels on the north side of Webber Road and two parcels on the south side of Webber Road. The parcels have the same use, the production of wine, and the business is profitable, which the County requires.

The Public Hearing adjourned at 7:03 p.m.

CORRESPONDENCE

The following letters were received:

1. Barry Edelstein of Kopf Builders requested that Council suspend the rule for three readings on an emergency basis for Ordinance No. 25-29 to approve South Port Subdivision No. 3 Final Plat.
2. Keith Filipkowski of Pulte Group requested that Council suspend the rule for three readings on an emergency basis for Ordinance No. 25-28 to approve Legacy Isle Phase 3 Final Plat.

MAYOR'S REPORT

Mayor Spaetzel highlighted the following activities in the City:

1. Discovery Works at Avon Lake Public Library reopened Saturday, February 1, 2025, after being closed for months for renovations. It first opened 30 years ago, and the

renovations are fabulous, very imaginative, and educational. It is a great asset to the Community.

2. Harlem Wizards will perform on February 17, 2025, at the Avon Lake High School. Pre-game activities begin at 5:30 p.m., and game time is 7 p.m. Community and business groups are invited to attend and set up tables offering information about their organization. The public can obtain further information and purchase tickets at www.avonlakeanchoring.org.
3. Mighty Goliath Production presented “The Wizard of Oz” last weekend at the Avon Lake High School Performing Arts Center. The production was very creative and fun with an ensembled cast of actors of all ages.
4. The Parks and Recreation Spring/Summer Program is now available online through the City’s Recreation Department. There are a wide range of activities, classes, events, and special programs for people of all ages.
5. Person and Project of the Year applications are open. The deadline is March 31, 2025. Applications are available at City Hall, Avon Lake Public Library, or online at www.avonlake.org.
6. A Tax levy will be on the May 6, 2025, primary ballot. This is a 1.5 mill renewal that will generate over \$1 million for the City’s general fund. The general fund finances the City’s Police, Fire, and infrastructure services in the Community. It is a renewal and not a tax increase. More information will be forthcoming.

COUNCIL PRESIDENT’S REPORT

Council President Fenderbosch reported on the following:

1. The next Collective Committee Meeting is Monday, February 8, 2025, at 7 p.m. in the Council Chamber.
2. The next Council Meeting is Monday, February 24, 2025, at 7 p.m. in the Council Chamber.
3. Council will review the rules and procedures of Council in Codified Ordinance Chapter 220 on Tuesday, February 11, 2025, at 6 p.m. in the Council Chamber.

PUBLIC WORKS DIRECTOR’S REPORT

Public Works Director Liskovec reported on the following:

2025 Street Tree Pruning Program

Crews have pruned the street trees for the season in the eastern part of the City, and they are now working in the City's parks and public spaces.

Sand Dredging at Miller Road Park

Bids will be opened this Thursday, February 13, 2025, for the annual Sand Dredging Project, and Council will award a contract to the lowest and best bid.

Winter Season Tasks

Crews are patching and filling potholes daily.

FirstEnergy Reliability Enhancements

An update from FirstEnergy has been posted on the City's website regarding the enhancements on the westside of the City. FirstEnergy anticipate installing 90 new poles by the end of 2025 and will complete the project in the Summer of 2026.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. The Committee's next meeting is Wednesday, February 19, 2025, at 6 p.m. in the Council Chamber.
2. The Northeast Ohio Public Energy Council (NOPEC) Sustainable Technical Assistance Resources (STAR) Program.
 - Mayor Spaetzel stated that the initial meeting of the STAR Program was held earlier today. NOPEC/World Kinect will first assess and collect data of City and Avon Lake Regional Water (ALRW) buildings and vehicles that include analyzing utilities bills and fleet management expenditures. This stage will take two to three months. Then NOPEC/World Kinect will recommend methods the City could implement to reduce utility costs and its carbon footprint.

COMMUNICATIONS, ENVIRONMENTAL AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

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

1. The Environment Affairs Advisory Board (EAAB) will be developing a concept to connect City parks through *Green Mobility*, which will be an integration of the City's Parks and Recreation Master Plan and will approach the Parks and Recreation Commission with this initiative.

2. Avon Lake City School Foundation Green Scholarship was initiated last week. The first scholarship for a student or a group of students will be awarded this summer.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. The Committee met on February 3, 2025.
 - The agenda items included a Request for Qualifications (RFQ) for the Fire Station Owner's Rep; City Hall reconstruction update; quarterly transfers will no longer be necessary, as per the Finance Director; U.S. Bank authorization and a blanket authorization for the Finance Director; fee schedule for the body and dash cam public records requests; and the 2025 budget.

HUMAN RESOURCES COMMITTEE REPORT

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

1. The Committee met earlier.
 - The agenda items included Court Bailiff and Court Clerk exemption statuses; Deputy Court Clerk stipend of \$200 for acting as the Clerk of Court, who was recently terminated; Fraternal Order of Police (FOP) contracts were finalized; Police Sergeant promotion; non-bargaining employee wage increases; Chapter 260 amendments; Firefighter/Paramedic appointment; job descriptions for a Property Maintenance Specialist and Assistant Finance Director; Lt. Alex Giardini's retirement; and the Dispatcher/Records Clerk civil service exam.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

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

1. The next Committee meeting is Tuesday, February 18, 2025, at 5:30 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

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

1. The Committee met on February 5, 2025.
 - The following items were moved to the next Collective Committee Meeting on February 17, 2025: Purchases of the Beast, F-450 chassis, Brine system, equipment trailers, and crack seal unit for the Public Works Department; and donation of paint for the historic railroad car at the Beach Park Station.

2. The next Committee meeting is Wednesday, March 5, 2025, at 5:30 p.m. in Council Chamber.

PLANNING COMMISSION REPORT

Mr. Smith reported on the Planning Commission as follows:

1. The Commission met on February 4, 2025, for a regular meeting and work session.
 - At the regular meeting, the final plat for Legacy Isle, Subdivision No. 3, and South Port, Subdivision No. 3, were unanimously approved.
 - Paul Orlouski addressed the Commission regarding the issue of trees buffering Current Village that were removed by Pulte Homes erroneously.
 - At the work session, there was a townhouse development proposal of Pulte Homes at the site located behind the former Burger King on SR 83 to the south. Pulte Homes wants to develop 12 townhome units per acre. The Commission does not support their proposal since the site offers a nice buffer between businesses and residences to the east and south. Development of this site is a work in progress.

Ms. Gentry asked how the removal of trees by Pulte Homes occurred. In response, Public Works Director Liskovec stated that Pulte Homes' subcontractor started clearing the site, and the City was never notified. When the City learned that they were removing trees, internal staff mobilized to the site, but the damage was already done. Pulte Homes is working on a landscape plan to address any shortcomings of that clearing and will work with the residents to reinstall buffering trees.

2. The next Commission meeting is Tuesday, March 4, 2025, at 7 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

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

1. The Board met on January 27, 2025.
 - An area variance permitting a home addition to encroach into Cherry Lane and Division Road front setbacks at 256 Cherry Lane was approved.
 - An area variance permitting an addition to encroach the westernmost side yard setback at 32661 Greenwood Drive was approved.
2. The next Board meeting is Wednesday, February 26, 2025, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Council President Fenderbosch reported on the Tree Commission as follows:

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

AUDIENCE PARTICIPATION

Gerald Phillips, Avon Lake, addressed Council regarding Ordinance No. 25-15, inquiring how long the City had been without a City Engineer, when former Public Works Director Joe Reitz resigned, and when a City Engineer would be hired along with the assembly of an Engineering Department. He also requested a copy of the final budget (Ordinance No. 25-19) and questioned why the final plats (Ordinance Nos. 25-28 and 25-29) were classified as emergencies. He suggested that these ordinances go through three readings to allow abutting residents the opportunity to provide input on the final plat. He expressed his opinion that the City has a history of prioritizing developers over protecting residents.

William Zimmerman, Avon Lake, asked what the arrow on the agenda designates and asked for explanations of the suspension of the rule and declaring an emergency procedure since he believed they were synonymous. In response, Council President Fenderbosch explained the agenda notations and the meaning of legislation rules and language. Mr. Zimmerman proceeded to speak about the situation regarding the City Engineer and stated that he didn't understand how the City is operating without one and referenced a "stop-gap".

Mr. Zuber responded that the last in-house City Engineer was Wade Mertz, and Council President Fenderbosch agreed and stated that Joe Reitz was not the City Engineer, but an engineer who managed the Engineering Department. The City has contracted outside engineers for various projects.

MOTIONS

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). Based on a conflict of interest, Mr. Arnold requested that he be removed from voting.

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

No: None

Motion carried.

Mr. Shahmir moved to authorize the Public Works Director to advertise for bids for the Avon Lake Play Space (ALPS) Project, Phase 2.

Public Works Director Liskovec stated that Council was given a conceptual cost estimate of the Phase 2 construction, which is \$1.7 million, and explained that going out for bids is the next step in the project. The City and Kimley-Horn are finalizing the bid package that will be advertised.

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

No: None

Motion carried.

Mr. Kos moved to accept the donation of a Rectangular Rapid Flashing Beacon (RRFB) from Avon Lake Environmental Redevelopment Group (ALERG).

The RRFB in front of the former Power Plant is no longer needed at that location, and ALERG offered it to the City. The City will install it elsewhere in the City, which has not yet been determined. Since it is a solar-powered RRFB, engineering design or utility setup is not required.

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

No: None

Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a liquor license transfer for Gorski Catering, LLC, dba Edacious Restaurant, 33451 Lake Road & Patio, Avon Lake, indicating the City does not request a hearing.

The Police Chief has reviewed this transfer application and does not request a hearing.

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

No: None

Motion carried.

Mr. Smith moved to approve a weekly stipend of \$200 for Municipal Court Chief Deputy Clerk Michelle Miller-Parks, effective February 10, 2025.

The Clerk of Court is no longer employed with the City, and Judge Manning has assigned the duties of the Clerk of Court to the Chief Deputy Clerk and ordered a stipend of \$200 per week for those additional duties.

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

No: None

Motion carried.

Mr. Smith moved to accept the resignation of Lt. Alessandro Giardini due to his retirement, effective February 1, 2025.

After 28 years of public service, Lt. Giardini has decided to retire. He was hired as a Police Officer in 1997, promoted to Police Sergeant in 2001, and promoted to Police Lieutenant in 2020. In 2018, he received a life-saving award when he saved someone from drowning at the boat launch.

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

No: None

Motion carried.

LEGISLATION

Second 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.

This legislation will authorize the City to accept all grants awarded by NOPEC. These grants are distributed annually based on the number of residents who participate in NOPEC. The funds received will be used to enhance energy efficiency within the City.

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

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

Yes: Gentry, Kos, Zuber, Fenderbosch

No: Shahmir, Smith

Abstention: Arnold

Motion failed.

This legislation will authorize appropriations up to \$150,000 to fulfill the contract with Bramhall Engineering & Surveying Co. of Avon, Ohio, that was approved by Council by Ordinance No. 24-196 on December 17, 2024.

Mr. Shahmir voted against the Bramhall contract and presented a graphic to illustrate his opposition. The graphic listed every Ordinance authorizing Bramhall from January 2023 through December 2024, showing that the firm had been awarded approximately \$1.1 million during that period. Mr. Shahmir questioned the Mayor about the timeline for establishing an Engineering Department and why the City does not bid out these

contracts instead of repeatedly awarding separate agreements. He argued that appropriating \$150,000 for engineering services is impractical, as it would not cover a full year of services. He advocated for putting the next engineering contract out for bid, emphasizing that engineering services constitute a significant expense. He stressed that the City cannot continue awarding over \$1 million in projects to a single firm without a competitive process. Council, he stated, has a fiduciary duty to ensure such arrangements are only temporary until a tender or master services agreement is established.

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 approves an application from ABK Limited, also known as Klingshirn Winery, located at 33050 Webber Road, Avon Lake, to designate four parcels totaling 21.69 acres as an agricultural district. The property owner and proprietor, Lee Klingshirn, is seeking Council's approval as part of the required five-year renewal process. The application, filed with the Lorain County Auditor, includes the property description, acreage, and financial documents if the land is used for commercial purposes. The required public hearing was held earlier in this Council Meeting.

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 approves an application from LNK Limited, located at 33090 Webber Road, Avon Lake, for agricultural district designation. It serves as a companion piece to Resolution No. 25-17 and covers a parcel of 4.78 acres.

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 appropriate the 2025 budget as determined by the Administration and Council.

Finance Director Krosse outlined the proposed 2025 budget, which exceeds \$131 million. The budget includes salary adjustments based on recent police union negotiations and a review of capital improvements to identify potential reductions. Adjustments included removing one police vehicle and several rifles, eliminating a fire department trailer, and reducing some Communications and Technology Studio equipment, resulting in savings of \$112,000. Additionally, a 5-ton chassis with a snow body was added for Public Works at a cost of \$272,000. The City also received an anticipated reimbursement check of \$895,000 from Ohio Public Works Commission

(OPWC) to help replenish the capital fund. She also noted that cost savings would occur because new positions are budgeted for the full year, but the actual timing of hires will impact overall expenditures.

Mr. Zuber explained that the income tax transfer fund collects all income tax revenue before distributing it to various funds, including the general fund, the capital fund for projects such as a 5-ton dump truck, the recreation fund (which does not sustain itself), and debt payments.

At the end of 2017, the fund had an unencumbered balance of \$7.7 million. By September 2019, the balance had declined to \$5.6 million. By the end of November 2022, it had increased to \$9.3 million, but in 2023, it dropped to \$3.44 million. By the end of 2024, the balance is projected to be \$1.48 million.

The budget to be approved in two weeks includes a carryover of \$500,022. While income tax revenue has increased by 3.3% this year and the budget accounts for 3% less spending from this fund, cash flow issues persist.

First Readings:

Resolution No. 25-22, A RESOLUTION AUTHORIZING AND AFFIRMING THE AUTHORITY OF BETH KROSSE, AS FINANCE DIRECTOR FOR THE CITY OF AVON LAKE, TO REQUEST CHANGES ON THE BANKING ACCOUNTS HELD BY U.S. BANK IN ACCORDANCE WITH CODIFIED ORDINANCE SECTION 232.04 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. 25-22. This legislation will authorize Finance Director Krosse to request changes to the City's banking accounts held by U.S. Bank in accordance with Codified Ordinance Section No. 232.04.

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

No: None

Motion carried.

Resolution No. 25-22 adopted.

Resolution No. 25-23, A RESOLUTION AUTHORIZING AND AFFIRMING THE AUTHORITY OF THE FINANCE DIRECTOR FOR THE CITY OF AVON LAKE TO REQUEST CHANGES ON

THE BANKING ACCOUNTS HELD BY PUBLIC DEPOSITORIES IN ACCORDANCE WITH CODIFIED ORDINANCE SECTION 232.04, was read by title only.

This legislation will authorize the City's Finance Director to request changes to the City's banking accounts held by public depositories in accordance with Codified Ordinance Section 232.04. It provides blanket authority to present as needed when requested by an entity.

Ordinance No. 25-24, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 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. 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. 25-24. This legislation will authorize the Mayor to enter into labor agreements with the FOP Lodge #25/Avon Lake Division for Police Officers and Detectives. Following negotiations, the FOP and the Administration have agreed to a three-year contract, which includes a 3% wage increase each year over the next three years.

Mayor Spaetzel stated that the Administration aimed to ensure fairness across all collective bargaining agreements. As a result, changes were made to align contract language as closely as possible, clean up certain provisions, and address matters such as holiday time, uniform payments, and sick time incentives.

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

No: None

Motion carried.

Resolution No. 25-24 adopted.

Ordinance No. 25-25, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 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. 25-25. This legislation will authorize the Mayor to enter into labor agreements with the FOP Lodge #25/Avon Lake Division for Sergeants and Lieutenants. Following negotiations, the FOP and the Administration have agreed to a three-year contract, which includes a 3% wage increase each year over the next three years.

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

No: None

Motion carried.

Ordinance No. 25-25 adopted.

Ordinance No. 25-26, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A 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. 25-26. This legislation will authorize the Mayor to enter into labor agreements with the FOP Lodge #25/Avon Lake Division for the Police Dispatchers. Following negotiations, the FOP and the Administration have agreed to a three-year contract, which includes a 3% wage increase each year over the next three years.

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

No: None

Motion carried.

Ordinance No. 25-26 adopted.

Ordinance No. 25-27, AN ORDINANCE CONFIRMING THE APPOINTMENT OF KENNETH DROST AS PART-TIME FIRE INSPECTOR IN THE FIRE DEPARTMENT, 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. 25-27. This legislation confirms the appointment of Kenneth Drost as a part-time Fire Inspector, effective February 17, 2025, at an hourly rate of \$27, with accrued Paid Time Off (PTO).

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

No: None

Motion carried.

Ordinance No. 25-27 adopted.

Ordinance No. 25-28, AN ORDINANCE APPROVING THE FINAL PLAT FOR LEGACY ISLE SUBDIVISION NO. 3 AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Kos, Smith, Zuber, Arnold, Fenderbosch

No: Gentry, Shahmir

Motion carried.

Mr. Shahmir asked whether residents bordering the subdivision had been given sufficient opportunity to review and comment on the plats and if any concerns had been raised.

Mr. Smith explained that this final plat represents the culmination of months of planning and serves as the final resolution of the process. It began with the improvement plans previously approved by the Planning Commission, though he was not on Council at that time. The suspension of the rule for three readings and the declaration of an emergency is necessary to facilitate title closings, establish ownership, and initiate the collection of property taxes.

Council President Fenderbosch explained that this subdivision is located in Ward 2, which she represents, and that she previously served as the Council Representative on the Planning Commission when the general development was approved. The Legacy Isle development has progressed in various stages over several years. She clarified that a final plat differs from an improvement plan or subdivision plat, as it is completed only after all required payments by the developer have been made. These payments include tap-in fees, grading fees, and contributions to the street tree fund, all of which have been approved by the Finance Director. The purpose of the final plat is to formalize these requirements.

Ms. Gentry questioned why this legislation was being considered as an emergency, stating that it seemed like a standard operating procedure and did not understand the need for suspension of the rule.

Council President Fenderbosch explained that the developer cannot transfer property titles until the final plat is approved. While there may be a list of buyers, transactions cannot proceed until the plat is recorded and properties can be officially transferred.

Mr. Shahmir stated that the clarification was helpful and expressed a desire to change his vote to support suspension of the rule.

Council President Fenderbosch responded that changing a vote would require a motion to reconsider, but it would not affect the outcome in this instance.

Mr. Zuber acknowledged that the subdivision was controversial because it involved the removal of nine holes from the golf course within the subdivision, which was unexpected for residents in Legacy. He noted that Kopf Developers took over, leading to significant discussions and deliberations that included Planning Commission meetings. While not everyone was happy with the outcome, due diligence was conducted.

Council President Fenderbosch added that the Legacy Isle includes homes along Legacy Parkway and the gated community of Heron Bay.

Mr. Smith moved for passage of Ordinance No. 25-28. This legislation will approve the final plat for Legacy Isle Subdivision No. 3, which includes 28 single-family lots on 14.5971 acres. The subdivision is located south of Legacy Pointe Parkway, east of Avon Belden Road, west of Jaycox Road, and north of the Norfolk and Western Railroad, within a Planned Unit Development (PUD) Zoning District. The plat was submitted to and approved by the Planning Commission on February 4, 2025, in accordance with the Planning and Zoning Code.

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

No: None

Motion carried.

Ordinance No. 25-28 adopted.

Ordinance No. 25-29, AN ORDINANCE APPROVING THE FINAL PLAT FOR SOUTH PORT SUBDIVISION NO. 3 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. 25-29. The legislation will approve the final plat for South Port Subdivision No. 3, which consists of 20 single-family lots on

12.3289 acres in an R-1 Single-Family Residence District. The subdivision is located south of Walker Road, extending further south past Hidden Cove to the west and Millside Lane to the east. The Planning Commission approved the plat on February 4, 2025, in accordance with the Planning and Zoning Code.

Mr. Smith confirmed that the Finance Director had received payment for all fees assessed, and the developer requested suspension of the rule.

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

No: None

Motion carried.

Ordinance No. 25-29 adopted.

Resolution No. 25-30, A RESOLUTION ACKNOWLEDGING ACCEPTANCE OF A CAPITAL IMPROVEMENT COMMUNITY PARK, RECREATION/CONSERVATION PROJECT PASS-THROUGH GRANT AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) 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 Resolution No. 25-30. This legislation acknowledges the acceptance of a \$350,000 pass-through grant from the Ohio Department of Natural Resources (ODNR) for a capital improvement community park and recreation/conservation project.

Mayor Spaetzel stated that last year, the City applied for a grant from the Ohio Department of Natural Resources (ODNR) through House Bill 2 of the 135th General Assembly and was awarded \$350,000 for the ALPS project. This vote confirms receipt of the grant, and he will certify that the funds will be used by 2026. ODNR will allocate \$7,000 of the total grant for administrative costs.

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

No: None

Motion carried.

Resolution No. 25-30 adopted.

PUBLIC INPUT

1. Len Lieber, Commander of Avon Lake American Legion Post 211, 31972 Walker Road, Avon Lake, thanked the City for providing logistical support that helped the

Legion complete their 150-space parking lot last year and noted that renovations were recently completed to the Hulbury Hall event center.

Commander Lieber stated that the quality of a community is often judged by its support and dedication to those who have served, especially retired warriors who have fought around the globe. Avon Lake exemplifies these values. One shining example of this support is Big M Restaurant on Lear Road, a valued service partner of Post 211, which has taken over the primary food operations and catering of the restaurant.

Additionally, the Legion provides support to disabled veterans in the community who struggle to prepare meals and are at risk of malnutrition, as well as veterans over 80 who require proper nutrition. In a show of deep respect and appreciation for the military, Big M has created a special menu for these veterans, offering it at little to no profit. The Legion wants the Avon Lake community to recognize Big M's generosity and commitment to our veterans. This kind of dedication reflects the values our country has always upheld—and should continue to uphold—especially in support of our returning warriors.

The Legion has also recently begun presenting a memorabilia museum, showcasing military artifacts and personal experiences spanning over 70 years. Display cases in the public hallway feature rare materials that have never been seen before. Additionally, interest continues to grow from individuals looking to donate artifacts and further expand the Legion's collection.

2. Ken Remy, Avon Lake, thanked Mayor Spaetzel, Councilmember Fenderbosch, and Councilmember Kos for their assistance with the Harlem Wizard's event. He stated that the event will feature an honor guard and recognition of veterans. Over 700 tickets have been sold, and 20 sponsors are supporting the event. A community gathering will begin at 5 p.m., welcoming nonprofits, churches, and civic organizations.
3. Gerald Phillips, Avon Lake, announced the programs he hosted on ALC-TV and noted that he is one of seven candidates running for the Council at-large position. He is also involved in the "Citizens for Tax Relief" movement, which will hold a forum on Saturday, March 1, 2025, in Lorain County. They are proposing a statewide constitutional amendment to provide permanent property tax relief for seniors and disabled individuals, rather than the current \$250 homestead exemption. The amendment would exempt property tax on the appreciation of a home's value until it is sold, offering property tax relief to longtime homeowners.

He spoke about a recent executive session, which he believed was related to Attorney Todd Davis. He noted that he had previously requested Attorney Davis's removal, but did not see it on the agenda. He urged Council to pursue the

removal, stating that Attorney Davis lied about an appraisal. Mr. Phillips went on to list other appraisals conducted by Sours, Buie, and Associates, LLC, that the City had used for property acquisitions. He asserted that Attorney Davis violated ORC Section 2921.13 by knowingly making a false statement and concealing it, and he expects Council to act on the matter.

4. William Zimmerman, Avon Lake, mentioned that he recently drove past the former CEI Plant and noticed a survey team on-site. He inquired about the purpose of the survey. He also referenced Mr. Shahmir's concerns about Bramhall Engineering Co. and speculated on why the City has not gone out for bids for engineering services. Additionally, he discussed Mr. Phillips' disorderly conduct charge, displaying both the original ticket and an amended version that was placed in the court file. He questioned who was responsible for altering the ticket, noting that the judge confirmed the alteration. He asked whether internal affairs had investigated the matter and asserted that the alteration was a criminal act. He claimed that the case's dismissal indicates that Mr. Phillips is being unfairly targeted.

Mr. Zuber stated that Mr. Phillips referenced an appraisal valuing an acre of lakefront land for \$95,000. He questioned the accuracy of this valuation, noting that if lakefront land in the City were available at that price, many would take advantage of it. He also noted that Avon Lake Municipal Utilities paid approximately \$92,000 per acre for the old coal pile, further suggesting a potential issue with the appraisal.

Mr. Smith agreed with Mr. Zuber, calling the \$93,000 valuation absurd and questioning its purpose. He noted that the appraisal did not appear to assess the land based on the City's intended use and stated that the City would conduct its own appraisal when necessary.

Mayor Spaetzel also concurred, highlighting that six of the comparable properties used in the appraisal were not lakefront. He added that the land was appraised as industrial property, which does not reflect its proposed end use. He mentioned that a formal statement would be released to clarify the matter further.

Law Director Ebert clarified that the appraisal was conducted exclusively for a Metroparks grant and was not commissioned by the City.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:48 p.m.

Approved: /s/ Jennifer Fenderbosch
Council President

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