

**MINUTES OF A SPECIAL MEETING
OF THE AVON LAKE CITY COUNCIL
MARCH 3, 2025**

A special meeting of the Avon Lake City Council was called to order on March 3, 2025, at 7:56 p.m. in the Council Chamber with Council President Fenderbosch presiding.

Mr. Smith led Council, staff, and the public in the Pledge of Allegiance.

Present: Councilmembers Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, 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: Councilmember Rob Shahmir.

LEGISLATION

First Readings:

Ordinance No. 25-49, AN ORDINANCE PROVIDING FOR LEGAL REPRESENTATION OF THE CITY OF AVON LAKE AND SPECIFIED OFFICIALS OF THE CITY IN ACTIONS FILED BY THE STATE OF OHIO, EX REL. WILLIAM ZIMMERMAN, ET AL., CASE NO. 2024-1711; STATE OF OHIO, EX REL. WILLIAM ZIMMERMAN, ET AL., CASE NO. 24-CV-214755; AND GERALD W. PHILLIPS, ET AL., CASE NO. 25-PC-00002, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shahmir

Motion passed.

Council President Fenderbosch moved for passage of Ordinance No. 25-49. This legislation will provide legal representation on behalf of the City from the law firm of Seeley, Savidge, Ebert & Gourash, Co., LPA, of Westlake, Ohio, in the amount not to exceed \$35,000.

Law Director Ebert stated that several cases have been filed against the City, and the City's insurance company appointed Seeley, Savidge, Ebert & Gourash as the panel counsel, and other law firms have been appointed as non-panel counsel. Currently, insurance coverage is funding all legal expenditures except for the deductible. A motion to dismiss the lawsuit has been filed.

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

No: None

Absent: Shahmir

Motion passed.

Ordinance No. 25-49 adopted.

Ordinance No. 25-50, AN ORDINANCE PROVIDING LEGAL REPRESENTATION FOR THE MAYOR OF THE CITY OF AVON LAKE IN THE MATTER OF *IN RE: REMOVAL OF MARK SPAETZEL MAYOR OF AVON LAKE, OHIO, EX REL. GERALD W. PHILLIPS, ET AL., V. MARK SPAETZEL, MAYOR-AVON LAKE*, LORAIN COUNTY COURT OF COMMON PLEAS, PROBATE DIVISION, CASE NO. 25-PC-00002 AND THE CITY OF AVON LAKE IN IMMINENT FUTURE LITIGATION AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Absent: Shahmir

Motion passed.

Council President Fenderbosch moved for passage of Ordinance No. 25-50. This legislation will provide legal representation of McDonald Hopkins, LLC, of Cleveland, Ohio, for an amount not to exceed \$25,000.

Mr. Kos objected to the use of an obscure legal maneuver to remove an elected official from office. He noted that Mayor Spaetzel was elected in 2023 with 8,111 residents voting for him, approximately 70 percent of the vote, a clear supermajority. In stark contrast, only eight individuals have signed onto this obscure legal action to try to overturn the results of that election and are asking a judge to override the will of more than 8,000 voters. That amounts to the disenfranchisement of thousands of voters. These eight individuals are seeking to remove the Mayor regardless of the decision made by the electorate.

There is a clear and proper process for removing an elected official outlined in the City Charter in Chapter 3, Section 13 (4)(c). That process requires a petition signed by at least 20% of the registered voters from the last election. Only after meeting that threshold can the matter be placed on the ballot for all voters to decide. Removing an elected official is a serious matter and should not be taken lightly. What's happening now is an attempt to bypass the democratic process using a legal maneuver that has never been used before in the City or Lorain County. That is not only unprecedented but also offensive.

Council will allocate up to \$60,000 to defend against these two cases, and the City is also defending additional lawsuits filed by Gerald Phillips. It's worth noting that two of the eight individuals who initiated this action are now running for City Council.

They want your vote, even as they work to invalidate the vote you cast last year for Mayor Spaetzel.

Ms. Gentry voiced her support and agreed with Mr. Kos' statements.

Council President Fenderbosch also voiced her agreement.

Mr. Smith expressed disappointment that this action was filed. He stated that he hopes the lawsuit will be resolved soon so that Council can return to peaceful meetings and civil discourse. He added that he has confidence that the legal system will handle the matter in a fair and just way.

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

No: None

Absent: Shahmir

Motion passed.

Ordinance No. 25-50 adopted.

Mr. Kos moved for adjournment.

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

No: None

Absent: Shahmir

Motion passed.

Adjournment: 8:16 p.m.

Approved: /s/ Jennifer G. Fenderbosch
Council President

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