

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
APRIL 14, 2025**

The regular meeting of the Avon Lake City Council was called to order on April 14, 2025, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

Mr. Arnold 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.

APPROVAL OF MINUTES

The minutes of the special Council Meeting held on February 18, 2025, were approved as prepared and published.

CORRESPONDENCE

The following correspondence or communications were received:

1. Mr. Shahmir reported that he received emails from residents regarding the start date for the concrete work on Brunswick Drive.

Public Works Director Liskovec responded that a meeting with the contractor will be scheduled to discuss the project's schedule. They are aware of their responsibility now that they are staffed for the season.

Mr. Shahmir reported on emails he received regarding construction near wetlands. Also, he noted concerns of residents pertaining to the removal of trees outside the permitted construction zone.

2. Ms. Gentry reported that she received a summary of the responsibilities of an owner's representative from a resident, and she shared it with Council. Also, she received a response from the County Auditor on questions she posed on the levy. She learned that the levy is a \$29 per \$100,000 valuation. Should the renewal levy pass in May 2025, the levy will be \$23 per \$100,000 valuation. Therefore, the net levy will be very close to what residents currently pay.

Council President Fenderbosch stated that \$29 per \$100,000 was the amount determined five years ago. There are more homes in Avon Lake, which is why the rate was reduced to \$23 per \$100,000. The levy will generate \$1.1 million.

Finance Director Krosse explained that it is a 5-mill levy, but the effective millage rate decreases over time. In fact, since the last levy renewal, the effective millage rate has dropped from 0.95 to 0.65, according to the certificate the City received from the County Auditor. That is why the cost has decreased from \$29 to \$23 per \$100,000 of valuation. Even though property values have recently increased, when the numbers were evaluated, the amount residents will pay is very close to what was assessed five years ago.

3. Mr. Shahmir also reported receiving emails from residents in the Handford Boulevard area regarding the time construction activities can begin. Codified Ordinance Section 648.09, *Disturbing the Peace*, states 7 a.m., but residents have asked if the builder would consider a later start time.
4. Ms. Gentry reported that Northeast Ohio Public Energy Council (NOPEC) has posted their rates for electricity and gas.

MAYOR'S REPORT

Mayor Spaetzel reported on the following:

1. Arbor Day is Friday, April 25, 2025. A tree planting event will be held at Walker Road Park.
2. Hydrant flushing has begun in the northeast areas of the City. Residents will be notified by the Fire Department when their property will be impacted. A schedule will also be posted on the City's social media sites.
3. Police Chief Vince Molnar will retire on May 11, 2025, after 30 years of public service in Avon Lake. Lieutenant Caleb Robinson will be appointed as the next Police Chief in May.
4. Spring and summer recreational offerings by the Recreation Department are now available at www.avonlakeoh.myrec.com.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported on the following:

1. The next Collective Committee Meeting is Monday, April 28, 2025, at 7 p.m. in the Council Chamber followed by a Council Meeting.
2. Early voting for the May primary has begun at the Lorain County Board of Election Offices, 1985 N. Ridge Road East, Lorain.
3. The Lorain County Emergency Alert Portal has changed. Residents can sign up for text alerts by texting LORAINCO to 24639 or go to the Emergency

Management alerting page at www.loraincountyohio.gov/777/emergency-alert-information.

FINANCE DIRECTOR'S REPORT

Finance Director Krosse reported on Issue 4, which is a renewal of the 1.5-mill property tax levy for the General Fund for an additional five years. This levy has been supported by residents for the past 30 years and currently generates approximately \$1.1 million annually, accounting for about 4.5% of General Fund expenditures. The General Fund supports critical City services, including Police, Fire, street maintenance, parks, and recreation, making this a visible and essential use of taxpayer dollars. Based on current 2024-2025 property valuations, the cost to homeowners will be approximately \$23 per \$100,000 of property valuation per year. The levy will appear on the ballot on May 6, 2025.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. Roads Program

The contractors for the concrete and asphalt projects have returned and are actively working. D.L. Smith Concrete began work today on Vineyard Road and anticipates completing the project within four weeks. Denes Concrete began work last week on Stoney Brook Drive and will move to Brunswick Drive upon completion.

2. Avon Lake Play Space (ALPS) Phase I

RMH Concrete has completed Phase 1 of the project. Public Works Department crews will now begin ground leveling, backfilling, and preparing the area for grass seeding.

3. Columbia Gas

The main replacement work on Electric Boulevard is expected to be completed tomorrow. Following that, Columbia Gas crews will move to the Artsdale/Redwood streets to begin the next phase of work.

Mr. Shahmir requested that Public Works Director Liskovec provide Council with a six-month look-ahead schedule outlining upcoming roadway repair and maintenance activities.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. The Committee continues to work on a demolition ordinance, City projects with NOPEC, and receiving updates on the stormwater connection at the former Power Plant.
2. The Committee's next meeting is Wednesday, April 16, 2025, at 6 p.m. in the Council Chamber.
3. A resident expressed their appreciation for Public Works Director Liskovec's assistance with the conditions on Hunter Road, one of the last unpaved roads in the City. Following the winter season, the potholes had become so severe that postal carriers threatened to halt mail delivery. In response, Public Works Department crews resurfaced the road, significantly improving its condition.
4. She is working with the Metroparks on a flooding issue at the south loop in the Kopf Family Reservation.

COMMUNICATIONS, ENVIRONMENTAL AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

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

1. The ALPS Phase II contract legislation is on the agenda for tonight's meeting. Mr. Shahmir will request a suspension of the rule requiring three readings to keep the project on schedule.
2. The Environmental Affairs Advisory Board (EAAB) has moved its meeting day to the first Thursday of each month at 6:30 p.m., held at the Lake House.
3. He has had discussions with the Communications & Technology Department regarding the best use and understanding of the OpenGov modules currently available within the system.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the Economic Committee as follows:

1. The Committee met on April 7, 2025.
 - The agenda included the Kleinfelder Economic Recovery & Resiliency Plan; a representative from ALERG updated the Committee on the demolition process of the former Power Plant; and a representative from Verdantas addressed the questions/concerns regarding the air quality testing after the second implosion.

2. The Jobs Growth Incentive Awards for 2024 are under review. Each year, the City evaluates income tax revenues and issues rebates to businesses that have demonstrated payroll growth within the City.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. The next meeting of the Committee is Monday, April 21, 2025, at 5 p.m. in the Council Chamber.
2. Income tax collections from January through April are up 10% compared to the same period last year, representing an increase of \$576,000. Notably, last year was a record year, and at this point in 2024, collections were up only 1% from the prior year. The City had budgeted for a 5% decrease in income tax revenue at the start of the year; however, this assumption will likely be revised in the upcoming budget update to be discussed at the next meeting.

HUMAN RESOURCES COMMITTEE REPORT

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

1. The Committee met earlier today.
 - The agenda included job descriptions in Avon Lake Regional Water (ALRW) and Municipal Court; the appointment in Municipal Court of Clerk of Court and Court Bailiff; a step increase for Recreation Administrative Assistant Heather Lam; and a job offer of a Public Works Laborer position.
 - HR Director Kernya reported on the Employee Assistant Program (EAP) vendor renewal, leadership training of the City's administrators, and salary data she is collecting for a salary range ordinance.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

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

1. The meeting scheduled for Tuesday, April 15, 2025, was canceled.
2. The Traffic Impact Study legislation is on the agenda for tonight's meeting. He will request a suspension of the rule requiring three readings to begin the study.

PUBLIC SERVICE COMMITTEE REPORT

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

1. The next Committee meeting is Wednesday, May 7, 2025, at 5:30 p.m. in the Council Chamber.
2. Legislation on the agenda for tonight's meeting, recommended by the Committee, includes items proposed for suspension of the rule requiring three readings. The purpose of the suspension of the three-reading rule was explained to emphasize the need for expedited consideration of the legislation.

PLANNING COMMISSION REPORT

Mr. Smith reported on Planning Commission as follows:

1. The zoning map amendment for the property at the southeast corner of Walker Road and SR 83 from a Single-Family Residence (R-1A) and General Commerce (B-2) to a Multi-Family Residence (R-3) passed by a vote of 4-2. Dissenting votes were Mr. Geoff Smith and Mr. Scott Orille.
2. The vacation of Alameda Avenue (a 50-foot right-of-way) by ALRW passed by a vote of 6-0.

ZONING BOARD OF APPEALS REPORT

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

1. The next Board meeting is Wednesday, April 23, 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, May 14, 2025, at 6 p.m. at the Old Firehouse and Community Center.
2. Arbor Day is Friday, April 25, 2025. Three Shag Bark Hickory trees, donated by the Avon-on-the-Lake Garden Club, and three Northern Catalpa Trees, from the City of Bay Village, will be planted in Walker Road Park. Also, Catalpa tree seeds will be distributed.
3. The Commission will donate 75 tree saplings at the Avon-on-the-Lake Garden Club's Plant Sale on Saturday, May 10, 2025, at the Goddard School, 430 Avon Belden Road, from 9 a.m. to noon.

WALKER ROAD AD HOC COMMITTEE REPORT

Mr. Shahmir reported on the Walker Road Ad Hoc Committee as follows:

1. The Committee will meet in September 2025, the date and time to be determined.

CIVIL SERVICE COMMISSION REPORT

Mr. Smith reported on the Civil Service Commission as follows:

1. The Commission met earlier today.
 - The agenda included the certification of the Police Chief promotional examination that ranked Lieutenant Caleb Robinson the highest candidate; examinations for Entry Level Police Officer and Public Works Laborer were scheduled for Wednesday, June 18, 2025; and three job descriptions for ALRW were recommended as unclassified.

COMMUNITY RELATIONS BOARD REPORT

Mr. Smith reported on the Community Relations Board as follows:

1. The Board met on April 8, 2025.
 - The agenda included a discussion of the updated Employee Handbook and other objectives of the Board pursuant to Codified Ordinances Chapter 280.
2. The Board will meet in September 2025, the date and time to be determined.

AUDIENCE PARTICIPATION

1. William Zimmerman, Avon Lake, regarding Ordinance No. 25-74, referenced a prior request he made to have the CERP meeting that involved a presentation on the ALPS project videotaped. He has requested committee meetings be recorded and made available for on-demand viewing. At the CERP meeting, he was told that a presentation of the ALPS project would be brought to a future Council meeting, but it has not occurred. He expressed concern about inconsistent communication over changing information and questioned how residents can maintain trust when outcomes differ from what was previously stated.

Regarding Ordinance No. 25-78, Mr. Zimmerman questioned whether a traffic study was conducted for the proposed rezoning and noted that he has an active lawsuit against the City concerning the speed limit in the same area. He expressed opposition to the construction of 75 residential units, citing concerns about increased traffic congestion to that area.

2. Gerald Phillips, Avon Lake, regarding Ordinance No. 25-78, questioned the discrepancy between the stated amount of \$195,350 and a previously mentioned maximum of \$202,350. He noted that Councilmembers were asked to submit input for the study but could not determine from the ordinance what was

included. He criticized the lack of a standard contract and the unclear terms and conditions within it. He also questioned subcontractor Smart Services' methodology, noting traffic counts would be conducted on different days. He expressed concerns that the proposal was not presented publicly and that the study excludes areas east of Brennans Court, including a new 64-home subdivision.

Regarding Ordinance No. 25-83, Mr. Phillips stated that, according to the Police Chief, the intersection of Walker Road and SR 83 is the most accident-prone in the City. He questioned the rationale behind the proposed rezoning considering this safety concern.

3. Ramsey Findlater, Avon Lake, expressed concern about traffic impacts related to the proposed rezoning under Ordinance No. 25-83. He was uncertain about how multi-family development's function and questioned the safety of placing a high number of residential units on both sides of SR 83, particularly regarding safe access to and from the roadway. He urged Council to reconsider the proposal.

The following individuals addressed Council on Ordinance No. 25-78:

4. Vince Cononico, Avon Lake, urged Council to ensure transparency regarding how data from the traffic study will be used, particularly in relation to the proposed gate at Handford Boulevard. He requested that the City clearly communicate in advance how traffic thresholds will influence decisions, such as whether to install the gate, so residents can trust that the study will inform decisions rather than justify predetermined outcomes.
5. Ken Yakel, Avon Lake, echoed Mr. Cononico's concerns regarding the timing and criteria for collecting traffic data related to Handford Boulevard. He emphasized the need for clarity on what specific traffic volume thresholds would trigger the installation of a gate, urging transparency in how the data will inform decisions.
6. Ann Maloney, Avon Lake, echoed the remarks of Mr. Cononico and Mr. Yakel, and she emphasized that access to I-90 should be a higher priority in evaluating traffic impacts, as it is a key factor for the proposed housing development. She questioned the reliability of predictive traffic models when the route is not yet well-established, and data quality is uncertain.

MOTIONS

Mr. Smith moved to remove the motion authorizing the step increase of Recreation Administrative Assistant Heather Lam. Due to the terms of the Collective Bargaining Agreement (CBA), action by the Human Resources Committee, rather than Council, is required when a CBA employee skips a step increase.

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

No: None

Motion carried.

Mr. Smith moved to accept the resignation of Engineering Technical Aide I Cody Harris, effective April 11, 2025. Mr. Harris accepted a position with the City of Westlake and tendered his resignation.

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

No: None

Motion carried.

LEGISLATION

Second Readings:

Ordinance No. 25-67, AN ORDINANCE ADOPTING THE AVON LAKE URBAN FOREST MANAGEMENT PLAN, was read by title only.

This legislation will adopt the Urban Forest Management Plan developed by the Avon Lake Tree Commission, as required by the Ohio Division of Natural Resources (ODNR) Division of Forestry. The purpose of the Plan is to effectively manage trees on public land. It represents a strategic, long-term investment in Avon Lake's tree canopy by promoting efficient and effective tree care, enhancing tree planting efforts to maintain species diversity in the public tree population, ensuring equitable preservation, and improving neighborhood character, aesthetics, and overall quality of life. The Plan outlines three primary goals: maintain tree health and vigor; plant the largest suitable trees for each site; and achieve a fully stocked urban forest.

Resolution No. 25-68, A RESOLUTION ADOPTING THE AVON LAKE FOREST MANAGEMENT STRATEGIC PLAN, was read by title only.

This legislation will adopt the Strategic Plan recommended by the ODNR Division of Forestry. The Plan's vision is for Avon Lake to be a model forest city with healthy, safe, and well-maintained community trees. Its goals are: promote tree health and safety on public lands; maintain a fully stocked and resilient urban forest; and educate residents on the importance of urban forest care.

Ordinance No. 25-69, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1070.02, MUNICIPAL PARK RULES, was read by title only.

This legislation will update park rules to specify that the Public Works Director and Urban Forester oversee trees, shrubs, lawns, and other plant life in the City. It establishes that residents can participate in the "Avon Lake Plant a Tree, Grow a Legacy" program to celebrate or memorialize an individual through tree planting. Funds collected through this program will be managed by the Urban Forester or Public

Works Director and used according to the Master Street Tree Plan and Avon Lake Urban Forest Management Plan.

First Readings:

Ordinance No. 25-74, AN ORDINANCE AWARDING A CONTRACT FOR THE CONSTRUCTION OF AVON LAKE PLAY SPACE (ALPS) PHASE 2 TO RJ PLATTEN AND DECLARING AN EMERGENCY, was read by title only.

This project was presented at the Collective Committee Meeting on April 7, 2025.

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

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 25-74. This legislation will award a contract for the construction of ALPS Phase 2 to RJ Platten of North Royalton, Ohio, in the amount of \$1,758,200.37.

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

No: None

Motion carried.

Ordinance No. 25-74 adopted.

Resolution No. 25-75, A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO DISBURSE THE JOBS GROWTH INCENTIVE PROGRAM AWARDS FOR TAX YEAR 2024 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Finance Director to disburse the Jobs Growth Incentive Program awards for Tax Year 2024. The Community Development Director has compiled a list of qualifying businesses based on their income tax revenue generated in Avon Lake. Businesses that have increased their income tax revenue compared to the previous year are eligible to receive a percentage of that increase as an award: 35% for the first consecutive year of growth, 45% for two consecutive years, 55% for three years, and 65% for four or more consecutive years. Awards are capped at \$50,000 per business. The total amount to be disbursed is \$194,157.97.

Resolution No. 25-76, A RESOLUTION IN SUPPORT OF HOUSE BILL 3, THE SCHOOL BUS SAFETY ACT, was read by title only.

This legislation will support House Bill 3, the School Bus Safety Act, which aims to enhance student safety through improved stop-arm enforcement, upgraded bus surveillance systems, increased visibility features, stronger penalties for violations, and expanded safety training. The bill establishes a \$25 million School Bus Safety

Fund to help school districts implement these measures. While House Bill 3 does not mandate seat belts on school buses, it allows local districts to make that decision based on their needs—an element closely aligned with the advocacy of Dr. Rudy Breglia, a resident whose primary focus has been promoting the installation of seat belts to improve school transportation safety.

Ordinance No. 25-77, AN ORDINANCE AMENDING EMERGENCY TRANSPORT SERVICE FEES IN CODIFIED ORDINANCE SECTION 208.01 AND DECLARING AN EMERGENCY, was read by title only.

This legislation will amend the Fee Schedule for Emergency Transport Service fees collected from non-residents, as recommended by the Fire Chief and the Public Safety and Health Committee. The City's fees had not been adjusted in five years and were below those of surrounding communities. The new rates increase basic life support from \$500 to \$900, advanced life support Level 1 from \$600 to \$1,100, and Level 2 from \$700 to \$1,200, with transport mileage rising from \$11 to \$18 per mile.

Ordinance No. 25-78, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH TRANSYSTEMS CORPORATION OF OHIO FOR A TRAFFIC STUDY AND DECLARING AN EMERGENCY, was read by title only.

Mr. Kos moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 25-79. This legislation will authorize the Mayor to execute a personal services agreement with TranSystems Corporation of Columbus, Ohio, to conduct a comprehensive traffic study. The contract cost shall not exceed \$195,350; the City initially budgeted \$150,000. The study includes traffic data collection at 17 intersections, with extended counts at Walker Road/Bridgeside Drive/Long Pointe Drive, Lear Road/Liberty Rose Drive, and Lear Road/Handford Boulevard/Teasel Court. The scope covers trip generation modeling for subdivision buildouts, capacity analysis under four traffic scenarios, signal warrant studies, school bus routing, and emergency services access. Additional authorized tasks include expanded weekday and weekend counts, bicycle/pedestrian counts, cul-de-sac analysis, and crash data safety review. The study aims to address prior gaps in data collection during development and ensure informed planning decisions moving forward.

Mayor Spaetzel noted that Smart Services, a subcontractor of TranSystems, will conduct the video traffic counts and provide the data to TranSystems for analysis.

Mr. Shahmir explained that using Saturday counts to normalize anomalies in flow data will help reduce simulation errors and improve accuracy. The simulation will model a

full build-out scenario rather than current conditions. Assumptions will be defined beforehand to ensure clarity, and a meeting with TranSystems will focus on finalizing simplifying assumptions, selecting data and tools, and setting prediction criteria. The simulation is expected to provide valuable insight into future flow behavior.

Council President Fenderbosch noted that traffic exiting Westwinds heading west will not be captured at the initial data point; however, vehicles will be counted once they pass through other monitored intersections. Specifically, residents cutting through to Lear Road and exiting there will be captured in the data. The simulation is expected to provide valuable insight into future flow behavior.

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

No: None

Motion carried.

Ordinance No. 25-78 adopted.

Ordinance No. 25-79, AN ORDINANCE AUTHORIZING THE PURCHASE OF A SNOWPLOW AND ICE PACKAGE FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-79. This legislation will authorize the purchase of a snowplow and ice package for the Public Works Department from Henderson, Inc., of Bucyrus, Ohio, in the amount of \$126,588.

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

No: None

Motion carried.

Ordinance No. 25-79 adopted.

Ordinance No. 25-80, AN ORDINANCE AMENDING ORDINANCE NO. 25-70 AUTHORIZING THE PURCHASE OF AN INTERNATIONAL 607 CHASSIS CAB FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-80. This legislation will amend Ordinance 25-70, authorizing the purchase of an International 607 Chassis Cab from Rush Truck Centers of Cincinnati, Ohio, to include a tariff fee in the amount of \$3,900 for a total amount of \$112,980.

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

No: None

Motion carried.

Ordinance No. 25-79 adopted.

Ordinance No. 25-81, AN ORDINANCE AUTHORIZING THE PURCHASE OF AN INTERNATIONAL 607 CHASSIS CAB FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-81. This legislation will authorize the purchase of an International 607 Chassis Cab for the Public Works Department from Rush Truck Centers of Cincinnati, Ohio, in the amount of \$112,980 through the State Cooperative Purchasing Program with the Ohio Department of Transportation.

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

No: None

Motion carried.

Ordinance No. 25-81 adopted.

Resolution No. 25-82, A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACT TO BE AWARDED IN 2025 AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved to suspend the rule requiring three readings.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Resolution No. 25-82. This legislation will authorize the City's participation in ODOT's annual road salt bid according to Ohio Revised Code 5513.01(B).

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

No: None

Motion carried.

Resolution No. 25-82 adopted.

Ordinance No. 25-83, AN ORDINANCE TO REZONE AN 11.8627-ACRE SITE AT THE SOUTHEAST CORNER OF WALKER ROAD AND AVON BELDEN ROAD (SR 83) FROM SINGLE-FAMILY RESIDENCE (R-1A) AND GENERAL COMMERCE (B-2) TO MULTI-FAMILY RESIDENCE (R-3) AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the rezoning of an 11.8627-acre site at the southeast corner of Walker Road and SR 83 from a Single-Family (R-1A) and General Commerce (B-2) to a Multi-Family Residence (R-3). Planning Commission reviewed the rezoning application of Pulte Homes of Ohio, LLC, on April 1, 2025, and recommended with the condition that the maximum density shall not exceed 7 dwelling units per acre with a total cap of 73 units. As per the Planning and Zoning Code, a public hearing will be held on April 28, 2025,

Mr. Smith, as the sponsor, stated that he is unsure whether he will support the rezoning request. If he does not, a new sponsor will be required. He added that he will keep an open mind on the issue.

Council President Fenderbosch responded that a Councilperson may continue to sponsor legislation up to the time of the vote, even if they have not decided how they will vote, provided they do not speak against it if they intend to vote 'no.' If they plan to vote 'yes,' there is no restriction. Sponsorship may remain in place through all three readings, and the sponsor may speak either for or against the legislation until the third reading.

Mr. Kos stated that he has received significant feedback from residents regarding the proposed rezoning. After careful consideration, he does not foresee a scenario in which he would be able to support the request. In the interest of fairness, he felt it was important to announce his position at this time. He emphasized that his decision is not a reflection on Pulte Homes, their business, or the work they have done in the City, noting that Pulte Homes has been a good partner. However, the proposal involves rezoning R-1A and B-2 parcels at one of the City's busiest intersections, an area already impacted by substantial traffic. He expressed concern that the shift to R-3 zoning, even with self-imposed limits on density, represents too significant a change. He added that, as the sponsor of prior legislation establishing a business district in this area, removing business zoning in favor of multi-family R-3 zoning would be contradictory to that original intent.

Ms. Gentry noted that she has also received similar feedback, including phone calls and comments on Facebook, expressing concern about traffic in the area. She stated that she shares these concerns, particularly regarding the proposed change from a

business district to residential zoning, and the potential implications for traffic flow and speed limits in the area.

Mr. Shahmir expressed his agreement with the comments of Mr. Kos and Ms. Gentry, noting that both the volume of traffic and the 25-mph speed limit are concerns. As a result, he stated that he would be unable to support the rezoning.

In response to Council President Fenderbosch, Mayor Spaetzel stated that the traffic study funded by Pulte Homes will be analyzed by a third party.

Council President Fenderbosch stated that the Comprehensive Land Use Plan has identified this area as suitable for higher density, like an economic development plan. While the developer has proposed higher density, Planning Commission placed a cap, limiting it to 7 units per acre. Under the zoning classifications, B-2 is capped at 5 units per acre, and B-3 is capped at 12 units per acre.

In response to Council President Fenderbosch, Law Director Ebert stated that if the developer's proposed density aligns with the Comprehensive Land Use Plan and the preliminary traffic study, the City would not be liable if Council votes down the rezoning.

Ordinance No. 25-84, AN ORDINANCE APPROVING A VACATION OF A PORTION OF ALAMEDA AVENUE AND DECLARING AN EMERGENCY, was read by title only.

This legislation will approve the vacation of a portion of Alameda Avenue adjacent to the Utilities Department building on Miller Road. The Department is planning an expansion and has requested the vacation to accommodate the necessary setback for the project.

PUBLIC INPUT

1. Patty Nussle, Avon Lake, asked for clarification on the tree ordinances presented earlier, specifically if they pertain to trees on public or private land.

- Council President Fenderbosch explained that one ordinance is for the management of the City's urban forest and the other ordinance is the Tree Commission's Strategic Plan.

Ms. Nussle asked about the strategic plan's goal to have the largest tree covered, which she believed wasn't the best option. The goals should be determined by the professionals.

- Council President Fenderbosch explained that the reference of the largest tree pertains to the site, i.e. if it is a narrow tree lawn, then a smaller tree will be required. The requirements are per the State specifications.

2. Jim Saylor of Reitz Engineering, Rocky River, addressed the concerns voiced on traffic related to the rezoning proposal, noting that the land is already zoned for business use, which could generate more traffic than the proposed 73 residential units. He stated that the required traffic study showed only a 0.2-second average delay at SR 83 and Walker Road. The proposal falls within the multi-use overlay district, which allows up to 104 units; the developer is requesting fewer. The area is part of the Comprehensive Land Use Plan, which encourages increased residential density to support a walkable, vibrant downtown.
3. Gerald Phillips, Avon Lake, raised concerns about the second implosion event and a pending public records request from December 31, 2024, alleging a lack of transparency and possible cover-up involving an email and video related to the incident. He cited concerns over the destruction of AL-CTV footage and referenced Ohio Revised Code 149.351 regarding the unlawful destruction of public records. He also mentioned a preservation notice tied to the brownfield lawsuit, emphasizing that both business and personal emails related to the Brownfield Committee, ALERG, CIC, and related committees must be retained. Additionally, he criticized Council for allegedly making decisions about the traffic impact analysis outside of public meetings, suggesting a violation of Ohio's Sunshine Law.
4. William Zimmerman, Avon Lake, addressed Council and apologized for his accusation that Council failed to uphold their intention to display the ALPS presentation at a videotaped Collective Committee Meeting. He had to leave for the meeting, and he returned after the presentation concluded. He agreed with Mr. Phillips' comments that Council doesn't follow the rule of law. He has asked several times to show a video of the "fallout" from the second implosion, but he has been prevented. The implosion should have been delayed based on the wind direction. He doesn't know if the "fallout" has been tested. He opined that the Mayor could have stopped the implosion and failed in his duties to protect the health, safety, and welfare of the citizens.

Mr. Shahmir stated that he showed the video of the fallout at four meetings, including his Ward 1 Meeting and the Environmental Affairs Advisory Board meeting. He met with representatives of Verdantas in Columbus and showed them the video, which they never saw since it was not forwarded to them. They claimed that if they had seen it, they would have collected and analyzed samples.

Council President Fenderbosch stated that she had discussed the fallout issue with an ALERG representative and affirmed that the City has not been hiding information regarding the incident.

Mr. Zuber confirmed that Mr. Shahmir showed that video at a Council Meeting, which was aired on ALC-TV.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENT

Mr. Shahmir clarified that his opposition to the Berns, Ockner & Greenberger contract that passed on March 24, 2025, stemmed from his need for clarity, and not personal conflict with his colleagues. He noted that the contract was submitted to the City on March 5, 2025, but not reviewed in a Collective Committee Meeting nor discussed at an Economic Development Committee meeting. He emphasized the importance of dialogue, voting his conscience, and maintaining respect among colleagues while representing residents.

Mr. Kos addressed concerns about the Traffic Impact Study ordinance, clarifying that public input was encouraged and no decisions were made secretly. He stated that he invited feedback from all Councilmembers following the previous meeting and incorporated those one-on-one discussions into the ordinance. The final proposal was not shared until the agenda was published and reflected a consensus based on those conversations, which is a common practice in legislative processes.

Law Director Ebert confirmed that the legislative process described by Mr. Kos is appropriate and commonly practiced in government.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:14 p.m.

Approved: /s/ Jennifer G. Fenderbosch
Council President

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