

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
APRIL 28, 2025**

The regular meeting of the Avon Lake City Council was called to order on April 28, 2025, at 7:59 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; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Beth Krosse; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

**PUBLIC HEARING**

The Public Hearing opened at 8 p.m.

Mr. Smith stated that the property owner of an 11.8627-acre site located at the southeast corner of Walker Road and Avon Belden Road (SR 83) has petitioned Council to rezone the property from Single-Family Residence (R-1A) and General Commerce (B-2) to Multi-Family Residence (R-3) to allow for the development of a 73-unit townhome community known as Harbor Crest.

- Community Development Director Ted Esborn stated that the project was first submitted to Planning Commission on January 27, 2025. It was determined that the appropriate procedure would involve a map amendment (rezoning) to R-3, followed by the major subdivision process. Planning Commission held a Work Session on February 4, 2025, after which the application underwent review by City Departments. Planning Commission approved the project on April 1, 2025, by a vote of 4 to 2, with Mr. Geoff Smith and Mr. Scott Orille casting the dissenting votes. The rezoning is now before Council to either uphold or deny Planning Commission's recommendation, subject to the condition that the site is limited to no more than 73 units, which is the maximum number of single-family attached homes permitted.
- Jim Saylor of Reitz Engineering informed Council that the City's review of the rezoning application has been completed.
- Keith Filipkowski of Pulte Homes, Ltd., (Pulte) presented the Harbor Crest project to Council. He reiterated that Pulte is requesting a rezoning of the property, and that detailed site planning would follow if Council grants approval for the rezoning. The property is in Ward 3 near the Towne Center.

Mr. Filipkowski explained that the first step in the project is a lot split and consolidation of several parcels to establish a new project boundary, which is currently underway. The next step will be to record the new parcel configuration with Lorain County.

The subject site comprises 11.867 acres and is currently vacant. It is a split-zoned property with a Mixed-Use Overlay and B-2 General Commerce zoning on one portion and R-1A Single-Family Residential zoning on the other. Under the current zoning, the Mixed-Use Overlay allows a density of 25 units per acre, while the R-1A zoning allows 2.5 units per acre. Based on this, Pulte could, without requesting a rezoning, develop up to 104 units on the site. They could also propose to construct up to 83 units using flat-over-flat designs—resident-over-resident—within four-story buildings, on the land already zoned to accommodate such density.

However, Pulte is instead requesting a rezoning to R-3, with a very specific condition that would run with the land: a maximum of 73 units. While R-3 zoning technically permits up to 146 units on this parcel, Pulte is seeking to significantly reduce that potential density in order to develop a project that is more consistent with the existing streetscape. The intent is to construct two-story townhomes with a cohesive and thoughtful design that integrates well with the surrounding area.

Mr. Filipkowski noted that under the City's new Planning and Zoning Code, a traffic impact study is required for rezoning applications. A traffic study was completed for this project, which included consideration of the nearby Sandridge Run subdivision (28 units), located on the west side of SR 83 across from the proposed Harbor Crest site. The traffic impact study concluded that turn lanes are not warranted and that Harbor Crest could be constructed as proposed without the need for roadway improvements. The study projected that during peak hours, the development would generate fewer than one inbound and one outbound vehicle trip every two minutes on average. The City reviewed the traffic study and agreed with its findings. The study followed standard industry practices and was based on realistic assumptions and factual data.

Mr. Filipkowski also addressed traffic concerns raised about other Pulte developments in the City. He emphasized that Pulte has a track record of partnering with the City to address post-approval traffic concerns. In this case, although it is not required, Pulte has offered to contribute toward the installation of a left-hand turn lane into the Harbor Crest community. Their engineering team has confirmed that a turning lane is feasible, and the company is committed to working with the City on this improvement.

The proposed development supports the City's Comprehensive Land Use Plan and is directly aligned with the City's long-term strategic objectives. Pulte has

expressed willingness to place a deed restriction on the property that would limit the development to a maximum of 73 units. This restriction would be tied to the conveyance of the land and would apply specifically to Pulte. Also, the deed restriction would prohibit flat-over-flat building types, ensuring consistency with the proposed two-story townhome design and the intended streetscape character.

*A PowerPoint on the design of the development and its single-family units that will be for sale was displayed to Council and the public.*

- Mr. Shahmir asked for the assumptions used to estimate the number of vehicles at Harbor Crest.
- Kevin Westbrook of GPD Group responded to questions regarding traffic impacts. He explained that the traffic study analyzed projected vehicle trips during peak morning and evening hours, based on national traffic engineering standards. In the morning peak hour, the development is expected to generate approximately 35 trips—9 vehicles entering and 26 exiting. During the evening peak hour, the volume is slightly higher, with an estimated 42 trips—25 entering and 17 exiting the site. Mr. Westbrook clarified that traffic studies do not focus on the number of vehicles owned by residents but rather on traffic activity generated by the development. However, he noted that, as a general estimate, there are likely between 1 and 2 cars per unit.
- Mr. Smith stated that both Planning Commission and Council should have the authority to restrict residential densities based on factors such as compatibility with surrounding development, the location of the project, traffic impact, and guidance from the Comprehensive Land Use Plan. He expressed concern that the current proposal does not fully align with those considerations. He noted that The Plan references a minimum density of 8 units per acre, not 25 units per acre, as sometimes interpreted. He also pointed out that much of the surrounding area is zoned R-1A, and given that context, he is uncertain whether the proposed development will be able to achieve the desired density.
- Council President Fenderbosch discussed the zoning classifications, noting the distinctions between permitted and conditional uses in the R-1A residential district, and reviewed uses allowed under B-2 General Commerce. She emphasized that the Comprehensive Land Use Plan was developed through extensive community engagement over a two-and-a-half-year period, including multiple public events and significant resident input. The Plan is a key component of the City's broader economic development strategy. She cautioned that disregarding the Plan would disenfranchise the residents who participated in its creation and would undermine the investment made by the City. She also noted that the developer has fulfilled all necessary requirements and that the Plan includes a visual representation of this specific area that supports increasing residential density to generate foot traffic for businesses at

The Landings and the newly acquired Towne Center by DeHoff Development Company.

- Mr. Shahmir agreed that the Comprehensive Land Use Plan is a strong guideline. However, he stressed that it should be used consistently and not selectively. He stated that the Plan should serve as the cornerstone of all development decisions, not only when it supports the positions of the Administration or Council.
- Mr. Smith reiterated that most of the R-1A-zoned property in the proposed development is outside the defined Towne Center focus area in the Comprehensive Land Use Plan. He argued that if the project were to adhere to the minimum density standard of 8 units per acre for the 3.3-acre portion, it would yield approximately 24 to 45 units, or possibly 50 units at most. He referenced Section 1218.05 of the Planning and Zoning Code, which outlines additional conditions that must be satisfied for development in such areas.

## PUBLIC COMMENT

1. Deb Beard, Avon Lake, noted that Avon Lake is a unique city, geographically bordered on only three sides, with two primary east-west roads and five main north-south thoroughfares. She expressed concern that the traffic study relied on national data, which may not accurately reflect Avon Lake's specific traffic patterns or infrastructure constraints. She further noted that the traffic study did not include data for the area south of the bank and that data collected in the business district occurred prior to the opening of several businesses. Given that the commercial area operates from 9 a.m. to 9 p.m., she questioned the study's ability to fully capture peak traffic conditions. Additionally, she raised concerns about the split zoning on some of the parcels involved in the project, stating she was unclear when or why the zoning was divided in that manner. She asked for clarification on whether, if the project is approved with R-3 zoning and a 73-unit cap, and the developer later chooses not to proceed, the 73-unit restriction would remain legally tied to the parcel going forward.
  - Community Development Director Esborn explained that split zoning does exist in other areas of the City. While the current Planning and Zoning Code does not allow newly created split-zoned parcels, some split zoning was established prior to the adoption of the current code and remains in effect.
  - Mr. Smith responded that if the zoning is changed to R-3, the property will be classified entirely as R-3, and conditions may be attached to that zoning designation. He reiterated his recommendation to rezone the property to R-2 and allow for variances to accommodate additional density, though he acknowledged that the approach has not received strong support.

- Mr. Filipkowski clarified that the rezoning will be recorded with the restriction limiting development to a maximum of 73 units. He added that this has been publicly confirmed by Law Director Ebert in previous meetings.
2. Bob Olive, Avon Lake, expressed concerns about the traffic impacts of the proposed development. While Pulte's representative cited data from the traffic study, he noted that the study contains projections, not actual facts. He emphasized that these projections represent anticipated outcomes and do not become factual until the development is constructed and actual traffic patterns are observed. He expressed concern that, once this property is rezoned, it may set a precedent, making it easier for this or another developer to request rezoning of adjacent land. He concluded by sharing his concerns about the long-term impacts on traffic, the environment, and the loss of trees in the area.
  3. Dave Quester, Avon Lake, expressed strong support for maintaining the City's family-friendly character, emphasizing the value of single-family homes and the abundance of trees in the area. He stated his belief that there are already sufficient multi-family homes in the City. Referencing Mr. Filipkowski's earlier comments on demographics, he disagreed with the notion that the development would not burden the school system and expressed concern that residents moving into this development might be less invested in supporting local school funding. He also voiced concern about the loss of trees and stated his dislike for multi-family developments that resemble apartment complexes.
  4. Cheryl Sharva, Avon Lake, noted that traffic has increased due to the development by Pulte at Port West and highlighted the presence of many crosswalks in the area. She questioned whether the proposed Harbor Crest development would allow vehicles to cut through the site as a shortcut to avoid the intersection of SR 83 and Walker Road, potentially impacting traffic patterns.
    - Mr. Filipkowski responded that the proposed development will include connections to SR 83 and Walker Road; however, the internal roads within the community will be private, not public. Despite this, vehicles will still have access to travel through the development.
  5. Jill Breton, Avon Lake, acknowledged that any plans for the development would require City approval. Regarding traffic concerns, Ms. Breton agreed with others that current observations of traffic on SR 83 and off Walker Road suggest a traffic signal may eventually be warranted as volumes increase.
  6. Mary Schneider, Avon Lake, stated that it seemed presumptuous for Pulte to portray their rezoning request as a public service. She noted that Pulte could build 82 units under the existing mixed-use overlay zoning but instead chose to

pursue a rezoning to construct 73 townhomes. This approach is likely to yield greater profit through the sale of \$500,000 townhomes compared to developing four-story apartment buildings.

7. Karen Huryn, Avon Lake, stated that the City owes it to the community to conduct a thorough traffic assessment in the area surrounding the proposed development. While Pulte has offered to install a left-turn lane, she noted that this improvement would primarily benefit those living within the development and would not address the broader traffic concerns affecting the rest of the community. She urged Council to take responsibility for evaluating traffic impacts and implementing necessary infrastructure changes. She questioned whether, if Pulte is willing to add a turn lane, the developer would also be open to expanding the road to two lanes. With further development anticipated at Towne Center, she expressed concern that traffic congestion will worsen and must be addressed proactively.
8. Gerald Phillips, Avon Lake, stated for the record that he is an attorney with experience in real estate, zoning, and municipal law, as well as a certified public accountant. He disagreed with the claim that this development follows the Comprehensive Land Use Plan. He noted, as Mr. Smith did, that most of the R-1A-zoned property is not within the Towne Center focus area. He stated that about two-thirds of the site is outside the area covered by the Plan. He expressed concern that this could be considered contract or spot zoning, which he believes goes against the Plan. He emphasized that zoning should support the health, safety, and welfare of the community, not just a specific project. Finally, he cited Section 1218.04(d) of the Planning and Zoning Code, which says residential-only uses should not take up more than 40% of a mixed-use site. He argued that this proposal asks for all residential use, which goes beyond what the code allows.
9. Diane Newcomb, Avon Lake, expressed surprise and concern over the scale of the proposed development, noting that it will replace an area where only five homes once stood. She stated she was shocked to learn that the zoning had changed and believed the area was strictly residential; she was unaware it had happened.
10. Ramsey Findlater, Avon Lake, expressed skepticism about the traffic projections presented, stating that it is hard to believe only 9 to 20 cars would be entering and exiting the development during peak hours. He believed the actual number would likely be much higher. He also mentioned hearing about a survey but was unsure who participated in it or how it was conducted. He questioned whether the property could be rezoned in a way that would prevent residential units from being built.
  - Mr. Smith responded that the rezoning process is exactly what is being considered now. He clarified that Council is not addressing any other

potential zoning changes at this time. He added that he believes traffic impacts will likely be greater than the current estimates suggest.

11. William Zimmerman, Avon Lake, questioned who responded to the survey that reported 81% support for the development. He also shared that a neighbor who lives south of the proposed site has experienced drainage issues and flooding on their property and asked how the development would address that problem.

- Mr. Smith responded that when a subdivision is developed, stormwater management is required, and drainage will be addressed as part of the engineering process. He noted that the project may help improve the drainage issues for the neighboring residents.

Mr. Zimmerman also asked who reviewed the traffic study.

- Mayor Spaetzel responded that the City contracted with TranSystems to review the traffic study.
- Mr. Filipkowski stated that the survey was distributed to the market, but he was unsure of the exact number of respondents or the company's policy regarding the release of that information.

The Public Hearing closed at 9:25 p.m.

## **APPROVAL OF MINUTES**

The minutes of the Special Council Meeting held on February 24, 2025, were approved as prepared and published.

## **CORRESPONDENCE**

The following correspondence or communications were received:

1. Council President Fenderbosch received emails from residents about trees on an adjacent property and the rezoning request of Pulte.
2. Mr. Smith received an email from a resident in favor of the rezoning request of Pulte, and another email from a resident wanting to eliminate minimum parking requirements.
3. Ms. Gentry received emails opposing the rezoning request of Pulte and about poor road conditions on Parkland Drive, Colony Drive, and Bonnieview Drive.

## **MAYOR'S REPORT**

Mayor Spaetzel reported on the following:

1. Avon Lake was named the 10th Safest City in Ohio by Safewise, a nonprofit advisory group focused on community and personal safety. This recognition is based on the latest FBI crime data, highlighting significant reductions in both violent and property crime rates. Avon Lake's violent crime rate decreased from 0.7 to 0.1 per 1,000 residents, with a property crime rate of 4.2 per 1,000. The ranking reflects the continued efforts of the City's safety services and strong community engagement.

## **COUNCIL PRESIDENT'S REPORT**

Council President Fenderbosch reported on the following:

1. A special Council Meeting has been scheduled for Monday, May 5, 2025, at 7 p.m. in the Council Chamber for the purpose of appointing the new Police Chief and Police Lieutenant; a Collective Committee Meeting will follow.
2. The next Council Meeting is Monday, May 12, 2025, at 7 p.m. in the Council Chamber.
3. The next Chapter 220 Meeting is Wednesday, April 30, 2025, at 5:30 p.m. in the Council Conference Room.
4. A workshop for Council Presidents was held on April 24, 2025, at Cleveland City Hall. The event brought together representatives from nine communities, including Avon Lake, to discuss best practices and collaboration opportunities among municipal councils.

## **PUBLIC WORKS DIRECTOR'S REPORT**

Public Works Director Liskovec reported on the following:

1. Avon Lake Play Space (ALPS) Phase I  
This phase of the project was completed by the Public Works Department staff and RMH Concrete.
2. ALPS Phase 2  
A pre-construction meeting with R.J. Platten is scheduled for Tuesday, May 6, 2025. The construction schedule will be available after the meeting.



3. 2024 Asphalt Street Project  
D. L. Smith Concrete has begun installing an asphalt surface course on Vineyard Road. The inspection staff is scheduled to be on-site for one to one and a half weeks to complete the project, weather permitting.
4. 2024 Concrete Street Project  
Denes Concrete completed the westbound lane of Stoney Brook Drive, and they are currently working on the eastbound lane. Then, they will move to Brunswick Drive.
5. Rapid Rectangular Flashing Beacon (RRFB)  
The City is seeking proposals for the construction of RRFBs at Walker Road/Midship Drive/Moorewood Avenue.

## **BUILDING AND UTILITIES COMMITTEE REPORT**

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

1. The Committee met April 16, 2025.
  - The agenda included a review of the proposed Demolition Ordinance, an update from Columbia Gas on the pipeline replacement project, and a discussion of a Public Service Announcement (PSA) to remind residents to clean the ditches on their properties.
2. She reported receiving communication from FirstEnergy regarding a power outage affecting the Waterside Crossing subdivision. The outage was caused by a recloser lockout on the City's system, a protective device designed to prevent larger outages. Although the cause was undetermined, FirstEnergy suspects an animal may have triggered the lockout and will continue investigating.
3. Mr. Arnold informed residents that they can compare Northeast Ohio Public Energy Council (NOPEC) rates by visiting [www.energychoice.ohio.gov](http://www.energychoice.ohio.gov), also known as the "Apples to Apples" comparison website.

## **COMMUNICATIONS, ENVIRONMENTAL AND RECREATIONAL PROGRAMMING COMMITTEE REPORT**

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

1. Four applicants have applied for the three vacancies on the Environmental Affairs Advisory Board (EAAB). Mr. Shahmir and EAAB Chair Mike McCormick will conduct interviews this week.

2. The ALPS Phase I Project was completed on time and within budget. He congratulated Public Works Director Liskovec and his team for their successful execution and adherence to budgetary targets.

## **FINANCE COMMITTEE REPORT**

Mr. Zuber reported on the Finance Committee as follows:

1. The Committee met on April 21, 2025.
  - The agenda included approval of the Communications & Technology Department's computer purchase from Simvay Systems, acceptance of a donation of heavy-duty wagons for the fish cleaning station, and approval of the Verdantas Environmental Consulting invoice for air monitoring related to the implosion. The Committee also reviewed inspection services for the Concrete and Asphalt Street Program with Bramhall Engineering, discussed budget adjustments, reviewed monthly and quarterly financial reports, considered a military leave of absence request for an employee, and reviewed the City's Procurement Policy.
2. The next Committee meeting is Monday, May 5, 2025, at 6 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 topic of electric bikes and golf carts will be addressed at an upcoming Committee meeting on a date to be determined.

## **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.

## **PLANNING COMMISSION REPORT**

Mr. Smith reported on Planning Commission as follows:

1. The next Commission meeting is Tuesday, May 6, 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 next Board meeting is Wednesday, April 30, 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. The Commission will meet on Thursday, May 8, 2025, at 1:30 p.m. at the Public Works Department's garage at 750 Avon Belden Road, to bag and label 75 saplings that will be distributed 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. Another 25 saplings will be potted and available at the Fall Fest.

## AUDIENCE PARTICIPATION

1. Gerald Phillips, Avon Lake, presented a map from the Comprehensive Land Use Plan and asserted that the property proposed for rezoning is not designated as residential. He expressed concern that the rezoning does not align with the Plan, and it was his belief that the City favors developers. He referenced a prior instance in which his recommendation for a traffic study was ignored by Planning Commission and cited other developments in the southeast quadrant that proceeded without traffic studies. He urged Council to require developers to fund infrastructure improvements, such as road widening and traffic lights.
2. William Zimmerman, Avon Lake, inquired about the job descriptions for engineering positions at Avon Lake Regional Water (ALRW), expressing confusion over the number of engineers currently employed and why additional positions are needed. He referenced the coal pile stormwater connection, which he believed was made illegally, and noted that Public Works Director Liskovec had hired a third party to investigate related documentation. He also questioned how many individuals were being hired at ALRW.
  - Mr. Zuber suggested that Mr. Zimmerman attend an Avon Lake Municipal Utilities Board meeting to ask those questions directly.

## MOTIONS

Mr. Zuber moved to accept the donation of three heavy-duty wagons valued at \$540 from Hooks for Hunger to the City for use at the Fish Cleaning Station in Miller Road Park.

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

No: None  
Motion carried.

Mr. Kos moved to accept the donation of \$3,975 from the American Legion Post 211 to the City to purchase six barricade devices for use at City parades.

These devices are also known as Star Barriers, and they are used to prevent cars from entering the parade route for safety purposes.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold  
No: None  
Motion carried.

Mr. Smith moved to accept the resignation of Public Works Laborer Matthew Harris, effective April 29, 2025.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold  
No: None  
Motion carried.

Mr. Smith moved to accept the resignation due to the retirement of Firefighter/Paramedic Frank Ogle, effective May 1, 2025.

Mr. Ogle was recognized for his 31 years of dedicated service in his role, and Council extended their sincere thanks and gratitude for his longstanding commitment to the City.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold  
No: None  
Motion carried.

Council President Fenderbosch moved to permit Mr. Arnold to be excused from voting on Ordinance Nos. 25-75, 25-94, and 25-95 pursuant to Codified Ordinance 220.19(b).

Mr. Arnold has a conflict of interest and is unable to vote on these ordinances.

Yes: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold  
No: None  
Motion carried.

## **LEGISLATION**

### Third Readings:

**Ordinance No. 25-52, AN ORDINANCE AUTHORIZING A DONATION TO VILLAGE PROJECT AND DECLARING AN EMERGENCY**, was read by title only.

Mr. Zuber moved for passage of Ordinance No. 25-52. This legislation will authorize a donation of \$10,000 to the Village Project, a non-profit organization dedicated to supporting individuals and families affected by cancer. Based in Bay Village, Village Project provides nutritious meals and extended care services to residents undergoing cancer treatment. Their services are available not only in Bay Village but also in Avon, Avon Lake, and Westlake.

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

No: None

Motion carried.

**Ordinance No. 25-52 adopted.**

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

Council President Fenderbosch moved for passage of Ordinance No. 25-67. 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 includes a mission statement, goals, and action items that will be implemented by the Public Works Director and the City's future Urban Forester.

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

No: None

Motion carried.

**Ordinance No. 25-67 adopted.**

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

Council President Fenderbosch moved for passage of Resolution No. 25-68. This legislation will adopt the Avon Lake Tree Commission Strategic Plan as recommended by the ODNR Division of Forestry. The Plan has a mission statement, goals, objectives, and an annual review.

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

No: None

Motion carried.

**Resolution No. 25-68 adopted.**

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

Council President Fenderbosch moved for passage of Ordinance No. 25-69. 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.

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

No: None

Motion carried.

**Ordinance No. 25-68 adopted.**

Second Readings:

**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.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Resolution No. 25-75. This legislation will authorize the Finance Director to disburse the Jobs Growth Incentive Program awards for Tax Year 2024. Community Development Director Esborn has tabulated a list of the award recipients based on the income tax revenue generated by these businesses. If a business increased its income tax revenue from its previous year, they are eligible to receive a percentage of that increase: 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.

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

No: None

Abstention: Arnold

Motion carried.

**Resolution No. 25-75 adopted.**

**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.

**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.

**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 it with the condition that the maximum density shall not exceed 7 dwelling units per acre with a total cap of 73 units. A public hearing was held earlier on this matter.

Mr. Arnold expressed support for the proposed development, citing the results of the traffic study. He believed the development would likely attract empty nesters, resulting in less traffic than would be generated by traditional single-family homes. He noted that if multi-family units are not built, the area could be developed with larger single-family homes, potentially increasing traffic volume. He emphasized the ongoing housing shortage in Avon Lake and nationwide and stated that he does not view traffic as a significant concern compared to surrounding communities. He supports the 73-unit development as a needed addition to the community.

Mr. Shahmir emphasized the importance of understanding traffic flow in the broader southeast quadrant of the City. He requested additional clarification from Pulte on whether the traffic study evaluated cumulative impacts across the area or only focused on the proposed development. He explained that residents are seeking a comprehensive traffic impact assessment that examines how traffic moves into and out of the area during peak times, and how the development fits into the overall traffic system.

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

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-84. 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.

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

No: None

Motion carried.

**Ordinance No. 25-84 adopted.**

First Readings:

**Ordinance No. 25-85, AN ORDINANCE AMENDING ORDINANCE NO. 25-19R2, APPROPRIATIONS FOR FISCAL YEAR 2025, AND DECLARING 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 Ordinance No. 25-85. This legislation will amend the 2025 Budget to include necessary adjustments, adding funding for fire trucks, legal fees, the Village Project, and other expenditures not included in the original budget.

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

No: None

Motion carried.

**Ordinance No. 25-85 adopted.**

**Ordinance No. 25-86, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PROFESSIONAL ENGINEER IN AVON LAKE REGIONAL WATER AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.**

This legislation will adopt a job description for the position of Professional Engineer in Avon Lake Regional Water, as recommended by the Avon Lake Municipal Utilities Board. The position is classified as non-exempt and unclassified, supervised by the Engineering Services Manager.



**Ordinance No. 25-87**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF SENIOR PROFESSIONAL ENGINEER IN AVON LAKE REGIONAL WATER AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the position of Senior Professional Engineer in Avon Lake Regional Water, as recommended by the Avon Lake Municipal Utilities Board. The position is non-exempt and unclassified, supervised by the Engineering Services Manager, and will oversee the Professional Engineer, Engineer, and Infrastructure Technician Specialist.

**Ordinance No. 25-88**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF BUSINESS DEVELOPMENT DIRECTOR IN AVON LAKE REGIONAL WATER AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the position of Business Development Director in Avon Lake Regional Water, as recommended by the Avon Lake Municipal Utilities Board. The position is exempt and unclassified, reporting directly to the Chief Utilities Executive. It will supervise the Engineering Services Manager, Facilities and Asset Manager, and Business and Financial Coordinator.

**Ordinance No. 25-89**, AN ORDINANCE FIXING COMPENSATION RANGES FOR AVON LAKE REGIONAL WATER NON-BARGAINING POSITIONS, REPEALING ORDINANCE NO. 23-193, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will update compensation ranges for non-bargaining positions within Avon Lake Regional Water, as recommended by the Avon Lake Municipal Utilities Board and repeal Ordinance No. 23-193.

**Ordinance No. 25-90**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF DEPUTY CLERK OF COURT IN AVON LAKE MUNICIPAL COURT AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-90. This legislation will adopt the job description for the position of Deputy Clerk of Court in Avon Lake Municipal Court, as recommended by Judge Allison Manning.

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

No: None

Motion carried.

**Ordinance No. 25-90 adopted.**

**Ordinance No. 25-91**, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BUDDY BYERS AS CLERK OF COURT IN THE AVON LAKE MUNICIPAL COURT, 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: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-91. This legislation will confirm the appointment of Buddy Byers as Clerk of Court in the Avon Lake Municipal Court, with an annual salary of \$75,000, effective May 1, 2025. The City will pay three-fifths of the salary, while two-fifths will be paid by the Lorain County Treasury.

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

No: None

Motion carried.

**Ordinance No. 25-91 adopted.**

**Ordinance No. 25-92**, AN ORDINANCE CONFIRMING THE APPOINTMENT OF MICHELLE MILLER-PARKS AS BAILIFF IN THE AVON LAKE MUNICIPAL COURT, 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: Fenderbosch, Gentry, Kos, Shahmir, Smith, Zuber, Arnold

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-92. This legislation will confirm the appointment of Michelle Miller-Parks to the non-exempt position of Bailiff in the Avon Lake Municipal Court, with an annual salary of \$68,952, effective May 1, 2025. The City will pay three-fifths of the salary, and two-fifths will be paid by the Lorain County Treasury. The weekly stipend previously received by Mrs. Miller-Parks will be discontinued as of April 30, 2025.

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

No: None

Motion carried.

**Ordinance No. 25-92 adopted.**

**Ordinance No. 25-93, AN ORDINANCE CONFIRMING THE APPOINTMENT OF TIMOTHY SEMMENS AS A LABORER IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY,** was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-93. This legislation will confirm the appointment of Timothy Semmens as Laborer in the Public Works Department at the Step 1 rate of \$28.36 per hour effective April 28, 2025.

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

No: None

Motion carried.

**Ordinance No. 25-93 adopted.**

**Ordinance No. 25-94, AN ORDINANCE AMENDING ORDINANCE NO. 24-122 FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES FOR THE 2024 ASPHALT STREET PROGRAM AND DECLARING AN EMERGENCY,** was read by title only.

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

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

No: Shahmir

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-94. This legislation will amend the contract with Bramhall Engineering & Surveying Company of Avon, Ohio, as authorized in Ordinance No. 24-122, for construction observation and contract administration service for the 2024 Asphalt Street Program. The amendment adds \$28,385, revising the total contract amount to \$60,705.

Mr. Shahmir expressed objections to the City's process in awarding contracts to Bramhall Engineering & Surveying Company and opposed issuing additional fees for their services.

Council President Fenderbosch explained that additional inspection services for concrete and asphalt were necessary due to project overtime, with fees capped accordingly.

Mr. Shahmir raised concerns about having the same firm perform inspection work on a project they designed, suggesting that a third-party contractor could have been engaged from the outset to provide independent oversight.

Yes: Fenderbosch, Gentry, Kos, Smith, Zuber, Arnold  
No: Shahmir  
Motion carried.

**Ordinance No. 25-94 adopted.**

**Ordinance No. 25-95**, AN ORDINANCE AMENDING ORDINANCE NO. 24-123 FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION SERVICES FOR THE 2024 CONCRETE STREET PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Fenderbosch, Gentry, Kos, Smith, Zuber, Arnold  
No: Shahmir  
Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-95. This legislation will amend the contract with Bramhall Engineering & Surveying Company of Avon, Ohio, as authorized in Ordinance No. 24-123, for construction observation and contract administration service for the 2024 Concrete Street Program. The amendment adds \$81,440, revising the total contract amount to \$142,145.

Mr. Shahmir inquired about the basis for the stipulated 10 hours per week of overtime, questioning whether it was derived from a specific plan or schedule. He also requested to see the City's road maintenance and road construction program, which he has not yet received.

City Engineer Chris Howard responded that the 10-hour overtime estimate is based on previous project experience and contractor work hours, emphasizing that it is simply an estimate.

Yes: Fenderbosch, Gentry, Kos, Smith, Zuber, Arnold  
No: Shahmir  
Motion carried.

**Ordinance No. 25-95 adopted.**

## **PUBLIC INPUT**

1. Gerald Phillips, Avon Lake, addressed the proposed rezoning, emphasizing that any development within the multi-overlay district should align with the mixed-use recommendations of the City's Comprehensive Land Use Plan. He noted that most of the R-1A residential zoning lies outside the focus area and argued that approving this rezoning would violate Council's oath of office and the intended design of residential placement. According to Mr. Phillips, residential development should occur where Pulte is building, designated as mixed-use with commercial and retail spaces anchoring all four corners of the intersection, with residential units above, like Crocker Park in the City of

Westlake. He further asserted that Pulte misrepresented the density of the development, explaining that the Planning and Zoning Code Section 1218.04(d) limits residential use to 40% of certain areas, which would allow fewer units than the proposed 73. Lastly, he criticized the traffic study as not inclusive, arguing that it failed to consider the entire Towne Center focus area and the full build-out impact.

2. William Zimmerman, Avon Lake, addressed the rezoning issue and commented on the City's fiscal responsibility. He also suggested that adding a safety beacon to the ALPS project would be valuable.

## EXECUTIVE SESSION

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

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

No: None

Motion carried.

Adjournment: 10:52 p.m.

## RECONVENING TO OPEN SESSION

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

No: None

Motion carried.

Adjournment: April 29, 2025, at 12:22 a.m.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: April 29, 2025, at 12:24 a.m.

Approved: /s/ Jennifer G. Fenderbosch  
Council President

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