

**MINUTES OF THE RESCHEDULED MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
MAY 27, 2025**

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

Mr. Shahmir 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 March 3, 2025, and the regular Council Meeting held on March 25, 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 in Westwinds regarding access to Brunswick Drive and large potholes in their development. Public Works Director Liskovec was contacted. Traffic control devices were erected on Brunswick Drive to direct traffic around the construction zone, and the Public Works Department will inspect the potholes.
2. Ms. Gentry received emails about road conditions on Surrey Lane, Carriage Lane, Gra Gull Drive, and Maplecliff Drive; and short-term rentals.

MAYOR'S REPORT

Mayor Spaetzel reported on the following:

1. Memorial Day services began with American Legion Post 211 holding a service at Lakeside Cemetery to honor fallen veterans, followed by a parade and ceremony at Veterans Memorial Park. The event concluded with the flyover of two F-16s stationed in Toledo.
2. Learwood Middle School boys' lacrosse team won the Division IV State Title.

Mr. Zuber commented that the City has had substantial rainfall recently, and he requested Mayor Spaetzel contact the Lorain County Health Department regarding

mosquito control. Also, he asked Mr. Kos to consider placing this topic on the Public Safety and Health Committee agenda in the future.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported on the following:

1. The next Collective Committee Meeting is Monday, June 2, 2025, at 7 p.m. in the Council Chamber. The meeting will include a Work Session by the Avon Lake Tree Commission on the Lorain County Big Tree Contest.
2. The next Council Meeting is Monday, June 9, 2025, at 7 p.m. in the Council Chamber.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. Avon Lake Play Space (ALPS) Phase 2
ALPS Phase 2 is in the submittal/acceptance phase for equipment. The contractor will start site work the week of July 7, 2025. The first piece of equipment installed will be in early September.
2. Avon Lake Regional Water (ALRW) Bundle Project
Bids were opened for the Bundle Project. The Project includes the Electric Boulevard bridge replacement. North Point Drive, Rosewood Drive, Bonnieview Drive, Colony Drive, and Parkland Drive will be reconstructed.
3. Bid Openings
 - Crack Seal Project - Bids were opened on May 22, 2025.
 - Materials for Road Repairs - Bids to open on May 29, 2025.
 - Construction of Walker Road, Phase 5 - Bids to open on June 4, 2025.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. The Committee met on May 21, 2025.
 - The agenda included updates from the Northeast Ohio Public Energy Council's (NOPEC) Sustainable Technical Assistance Resources (STAR) Program, the Edgewater Drive outfall, and the coal yard connection.
 - The Committee is finalizing the Demolition Ordinance.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

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

1. The Committee met on May 13, 2025.
 - The agenda included a review of the reimbursement agreement with Avon Lake Environmental Redevelopment Group (ALERG) and legal fees for Attorney Todd Davis.
2. Legislation on tonight's agenda includes items proposed for expedited consideration through suspension of the three-reading rule. A motion to suspend this rule will be introduced to allow for immediate action.

Mr. Arnold explained that the reimbursement agreement with ALERG included a budget under the Interim Development Agreement (IDA) for services provided by the law firm of Berns, Ockner & Greenberger, Verdantas Environmental Consultants, and Attorney Todd Davis, in an amount not to exceed \$310,175. The fees are retroactive to January 1, 2025. Upon passage of Ordinance No. 25-101, a \$50,000 deposit will be given to the City, and whenever expenses fall below \$10,000, an additional \$50,000 will be issued.

Attorney Davis explained that the reimbursement agreement stems from the previously approved IDA between the City and ALERG. The City committed to advancing no costs for the redevelopment process, including the hiring of outside professionals. A professional services reimbursement agreement was created to support this, with an initial budget of \$310,175, subject to amendment.

Attorney Davis addressed concerns raised by Mr. Shahmir, asserting that the risks identified are typical of any development agreement and are mitigated within the framework of the IDA and reimbursement agreement. He noted that this agreement allows the City to continue due diligence and finalize a purchase agreement with ALERG.

Mr. Kos stated that he initially planned to withhold support due to concerns previously raised by Mr. Shahmir, but after reviewing Attorney Davis's memorandum, he expressed support for suspending the rule to approve the agreement. He sought clarification on whether the City retains the right to select its consultants.

Attorney Davis confirmed that the City has unilateral authority to select its consultants and professionals. ALERG has not objected to the City's selections. Per the agreement, ALERG may only object to reimbursement of invoices if they are unreasonable, which is expected to be rare.

Mr. Shahmir questioned limitations on appraisal selection. Attorney Davis explained that while the appraiser must be reasonably approved by ALERG, the City retains control of the final decision and was provided a list of approved top-tier firms. Mr. Shahmir raised concerns about value and fairness in the negotiation, citing that the City is spending \$30 million (\$15 million for the green space purchase and \$15 million for regrading), yet not requiring the developer to surrender the land as part of zoning approval. He views this as problematic.

Attorney Davis emphasized that the \$310,175 is being reimbursed through taxes generated by the future development through Tax Incremental Financing (TIF). He defended the structure as a good deal that avoids City expenditures and enables progress.

Mr. Shahmir countered that the deal benefits the developer, citing concerns about trust and past experiences (specifically the implosion issue). He advocated for having three readings on the legislation to allow more time to review the deal.

In response, Attorney Davis said that while Mr. Shahmir is entitled to his views, the approach taken was strategic and essential to move the project forward. He reiterated the City's goal to acquire lakefront property and leverage a substantial redevelopment opportunity without using public funds.

Mr. Shahmir expressed concerns about trust, potential litigation, and the impartiality of the consultant. He referenced a previous recommendation from legal counsel during the implosion and questioned the definition and enforcement of "reasonable" standards and "good faith."

Attorney Davis responded that the term "reasonable" is standard legal language and does not require a special definition. On conflicts of interest, Attorney Davis and Law Director Ebert confirmed that consultants like Berns, Ockner & Greenberger are obligated to act exclusively on behalf of the City and cannot work for ALERG or others without a conflict waiver. Attorney Davis stressed that, unlike the implosion, the City now has a contract that can be enforced legally, offering protection that previously did not exist.

Council President Fenderbosch reminded Council that the current action is simply the approval of a reimbursement agreement and is time-sensitive, as it retroactively covers costs from January 1, 2025.

Mr. Smith supported the use of the term "reasonable" and called for an executive session to review broader negotiation strategies.

Mayor Spaetzel stressed the urgency, stating that work has halted on the purchase agreement and environmental assessment pending this agreement's approval. Private developers will not proceed until the City finalizes its direction. Timely approval is essential to keep the project moving.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. The next Committee meeting is Monday, June 2, 2025, at 6 p.m. in the Council Chamber.

2. Legislation on the agenda for second reading is the donation to Community Resource Services (CRS). A motion to suspend this rule will be introduced to allow for immediate action.

HUMAN RESOURCES COMMITTEE REPORT

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

1. Legislation on tonight's agenda includes an item proposed for expedited consideration through suspension of the three-reading rule. A motion to suspend this rule will be introduced to allow for immediate action.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

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

1. The Committee met on May 20, 2025.
 - The agenda included a one-day liquor license for Summerfest on June 21, the Rapid Rectangle Flashing Beacon (RRFB) at Midship Drive/Moorewood Avenue/Walker Road, electric bike (e-bike) safety, and the southeast traffic study.
2. Legislation on tonight's agenda includes items proposed for expedited consideration through suspension of the three-reading rule. A motion to suspend this rule will be introduced to allow for immediate action.

Mr. Kos reported on the classifications and regulations governing e-bikes according to the Ohio Revised Code Section 4511.522:

- Class 1 e-bikes: Pedal-assist only; maximum speed 20 mph.
- Class 2 e-bikes: Throttle-assisted; maximum speed 20 mph.
- Class 3 e-bikes: Pedal-assist; maximum speed 28 mph. Must be operated by individuals age 16 or older, and require a helmet and eye protection.

E-bikes are permitted to operate on City streets, where they must follow the same rules of the road as bicycles. Residents observing unsafe or unlawful operations are encouraged to contact the Police Department.

There is no restriction on e-bikes in Avon Lake City parks, though mopeds are not permitted. The Kopf Family Reservation is under the jurisdiction of the Lorain County Metro Parks, not the City. Within the Metroparks: Class 1 and Class 2 e-bikes are allowed; Class 3 e-bikes are prohibited.

By law, e-bikes must display a sticker identifying their class. The City is currently in an educational phase.

- The Police Department and Communications & Technology Department are collaborating on Public Service Announcements (PSAs) to inform residents.
- School Resource Officers have been educating students about proper e-bike use.

Traffic Study Update

Mayor Spaetzel provided the following update regarding the ongoing traffic study:

- Fifteen intersections were monitored last week (Tuesday, Wednesday, and Thursday) with 8-hour traffic counts.
- This week, additional data is being collected from two more streets (Tuesday through Thursday), and 15 intersections will be counted on Saturday.
- Three streets in the Handford Boulevard area and Liberty Rose Drive were completed earlier today.
- Data collection is expected to be completed by June 7, 2025.
- Following completion, analysts will take approximately three months to compile the data and generate a comprehensive report.
- Upon completion, results will be presented to City Council.

In response to questions from Mr. Shahmir, Mayor Spaetzel affirmed the need for transparency and communication regarding findings.

Mr. Shahmir recommended the creation of an assumptions list prior to simulation modeling. He stated this would help residents understand the basis for the data being modeled.

Mr. Kos confirmed there was agreement to hold an additional discussion before analysis begins to review the assumptions.

Mayor Spaetzel stated that he would clarify what is meant by an “assumption list” and ensure that discussion occurs before any data modeling or number crunching begins.

PUBLIC SERVICE COMMITTEE REPORT

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

1. The next Committee meeting is Wednesday, June 4, 2025, at 5:30 p.m. in the Council Chamber.
2. Legislation on tonight’s agenda includes items proposed for expedited consideration through suspension of the three-reading rule. A motion to suspend this rule will be introduced to allow for immediate action.

PLANNING COMMISSION REPORT

Mr. Smith reported on Planning Commission as follows:

1. The next Commission meeting is Tuesday, June 3, 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, May 28, 2025, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Council President Fenderbosch reported on the Tree Commission as follows:

1. The Commission received a Proclamation from Ohio Senators Robert McColley and Nathan Manning for the City's achievement of Tree City USA for the 32nd year and Growth Award for the 3rd year.
2. The next Commission meeting is Wednesday, June 11, 2025, at 6 p.m. at the Old Firehouse and Community Center.

AUDIENCE PARTICIPATION

1. Gerald Phillips, Avon Lake, stated that he agreed with Mr. Shahmir regarding Ordinance No. 25-101 and that it should not be subject to suspension of the rule. He expressed concern with several provisions in the agreement, including the absence of arbitration, the lack of an obligation for ALERG to negotiate in good faith, and the absence of a requirement that objections be reasonable or that approvals not be unreasonably withheld. He acknowledged that while the agreement has been described as a once-in-a-lifetime deal, and may be a good deal for the City, he believes it comes at the expense of the Avon Lake City School District, which stands to lose \$30 million through the TIF. He offered an alternative proposal: the City rezone the property under Code Section 1216.05, which requires a minimum of 20 acres. Under this approach, the City would not pay for the 20 acres, the school district would retain its funding, and the City would acquire the park at no cost.
2. William Zimmerman, Avon Lake, addressed Council regarding Ordinance No. 25-101. He stated that the agreement should not be approved at this time and should instead be tabled to allow for additional information and public understanding. He expressed distrust in the agreement and in Attorney Davis, referencing the Brownfield Committee, and stated that his belief that Attorney Davis is not acting in good faith. Mr. Zimmerman accused Attorney Davis of misconduct and stated that he is looking for evidence that Attorney Davis is improperly working with other professionals involved in the project. Regarding the RRFB project, Mr. Zimmerman stated that it should not be rushed, as there

have been no accidents at that location. He noted that all incidents involving pedestrians, bicycles, or vehicles have occurred elsewhere in the City.

MOTIONS

Mr. Shahmir moved to appoint Eric Krieg to the Environmental Affairs Advisory Board for a term commencing May 28, 2025, and expiring December 31, 2025.

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

No: None

Motion carried.

Mr. Shahmir moved to appoint Martin Matuszak to the Environmental Affairs Advisory Board for a term commencing May 28, 2025, and expiring December 31, 2025.

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

No: None

Motion carried.

Mr. Shahmir moved to appoint Jonathan Potrzeba to the Environmental Affairs Advisory Board for a term commencing May 28, 2025, and expiring December 31, 2025.

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

No: None

Motion carried.

Mr. Kos moved to add Ordinance No. 25-111 to the agenda. Due to an oversight, this legislation was inadvertently omitted from the agenda.

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

No: None

Motion carried.

LEGISLATION

Third Readings:

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.

Mr. Smith moved for passage of Ordinance No. 25-86. 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.

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

No: None

Motion carried.

Ordinance No. 25-86 adopted.

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.

Mr. Smith moved for passage of Ordinance No. 25-87. 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.

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

No: None

Motion carried.

Ordinance No. 25-87 adopted.

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.

Mr. Smith moved for passage of Ordinance No. 25-88. 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, and will supervise the Engineering Services Manager, Facilities and Asset Manager, and Business and Financial Coordinator.

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

No: None

Motion carried.

Ordinance No. 25-88 adopted.

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.

Mr. Smith moved for passage of Ordinance No. 25-89. 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.

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

No: None

Motion carried.

Ordinance No. 25-89 adopted.

Second Readings:

Ordinance No. 25-98, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH SIMVAY, LLC, FOR ENTERPRISE CYBER RISK MANAGEMENT SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a personal services agreement with Simvay Systems, LLC, of Westlake, Ohio, for cyber risk management services at the monthly cost of \$1,500 and shall not exceed \$18,000 for the duration of the agreement.

Ordinance No. 25-99, AN ORDINANCE AUTHORIZING A DONATION TO COMMUNITY RESOURCE SERVICES AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-99. This legislation will authorize the donation of \$25,000 to Community Resource Services (CRS) of Avon Lake, Ohio. CRS provides basic needs assistance and individualized resource and referral services to residents of Avon and Avon Lake.

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

No: None

Motion carried.

Ordinance No. 25-99 adopted.

First Readings:

Ordinance No. 25-101, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT WITH AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP, LLC, FOR THE POWER PLANT REDEVELOPMENT PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Arnold moved for passage of Ordinance No. 25-101. This legislation will authorize the Mayor to execute the First Amendment to the Professional Services Reimbursement Agreement with ALERG for the Power Plant Redevelopment Project for an amount not to exceed \$310,175, retroactive to January 1, 2025.

Mr. Smith expressed support for moving forward with the project but emphasized the need to develop a strategy for the property.

Mr. Shahmir voted against suspending the rule, stating it was not an emergency and that the legislation should undergo three readings for transparency. He argued that if the project were sound and properly negotiated, two additional readings would not jeopardize it.

Mr. Zuber spoke in favor of the agreement, emphasizing the opportunity to acquire lakefront property for a park at a reasonable price. He stated that the agreement advances a long-standing community goal.

Yes: Smith, Zuber, Arnold, Fenderbosch, Gentry, Kos
No: Shahmir
Motion carried.
Ordinance No. 25-101 adopted.

Ordinance No. 25-102, AN ORDINANCE AUTHORIZING FUNDS FOR CONTINUED LEGAL SERVICES TO TODD DAVIS, ESQ., AND DECLARING AN EMERGENCY, was read by title only.

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

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

Mr. Arnold moved for passage of Ordinance No. 25-102. This legislation will authorize funds for continued legal services to Todd David in the amount of \$147,000.

Yes: Shahmir, Smith, Zuber, Arnold, Fenderbosch, Gentry, Kos
No: None
Motion carried.
Ordinance No. 25-102 adopted.

Ordinance No. 25-103, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CLERK OF COURT IN THE 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: Shahmir, Smith, Zuber, Arnold, Fenderbosch, Gentry, Kos

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-103. This legislation will adopt a job description for the position of Clerk of Court in the Avon Lake Municipal Court, as recommended by Judge Allison Manning.

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

No: None

Motion carried.

Ordinance No. 25-103 adopted.

Ordinance No. 25-104, AN ORDINANCE AMENDING ORDINANCE NO. 24-81, FOR A PROFESSIONAL SERVICES AGREEMENT WITH AMERICAN STRUCTUREPOINT, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-104. This legislation will amend Ordinance No. 24-81, by adding services to relocate the waterline, in the amount of \$18,900. The revised total amount due to American Structurepoint is \$238,007.

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

No: None

Motion carried.

Ordinance No. 25-104 adopted.

Ordinance No. 25-105, 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 for suspension of the rule requiring three readings.

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-105. This legislation will authorize the purchase of a snowplow and ice package for the Public Works Department from Henderson Products, Inc., of Bucyrus, Ohio, through National Purchasing Partners (NPPGov) in the amount of \$126,588.

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

No: None

Motion carried.

Ordinance No. 25-105 adopted.

Resolution No. 25-106, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AT 32106 LAKE ROAD, AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Resolution No. 25-106. This legislation will approve the use of submerged lands at 32106 Lake Road to construct the proposed shore structure to prevent shoreline erosion. The City has determined that the submerged lands for the project are not necessary or required for the construction, maintenance, or operation by the City of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements, marginal highways, or any kind of utility.

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

No: None

Motion carried.

Resolution No. 25-106 adopted.

Resolution No. 25-107, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AT 32114 LAKE ROAD, AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Resolution No. 25-107. This

legislation will approve the use of submerged lands at 32114 Lake Road to construct the proposed shore structure to prevent shoreline erosion. The City has determined that the submerged lands for the project are not necessary or required for the construction, maintenance, or operation by the City of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements, marginal highways, or any kind of utility.

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

No: None

Motion carried.

Resolution No. 25-107 adopted.

Resolution No. 25-108, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AT 32118 LAKE ROAD, AVON LAKE, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Resolution No. 25-108. This legislation will approve the use of submerged lands at 32118 Lake Road to construct the proposed shore structure to prevent shoreline erosion. The City has determined that the submerged lands for the project are not necessary or required for the construction, maintenance, or operation by the City of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements, marginal highways, or any kind of utility.

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

No: Shahmir

Motion carried.

Resolution No. 25-108 adopted.

Ordinance No. 25-109, AN ORDINANCE AMENDING PLANNING AND ZONING CODE SECTIONS 1214, 1224, 1226, 1234, AND 1236, was read by title only.

This legislation will amend Planning and Zoning Code sections 1214, 1224, 1226, 1234, and 1236, as recommended by the Code Administrator and approved by Planning Commission on May 6, 2025.

Ordinance No. 25-110, AN ORDINANCE ALLOWING BEER AND WINE TO BE SOLD, SERVED, DISPENSED, AND CONSUMED FOR ONE DAY AT SUMMERFEST, TO BE HELD AT MILLER ROAD PARK ON JUNE 21, 2025, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 25-110. This legislation will allow beer and wine to be sold, served, dispensed, and consumed for one day at Summerfest on June 21, 2025, at Miller Road Park.

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

No: None

Motion carried.

Ordinance No. 25-110 adopted.

Ordinance No. 25-111, AN ORDINANCE AWARDED A CONTRACT FOR THE INSTALLATION OF RAPID RECTANGULAR FLASHING BEACONS (RRFBs) AT WALKER ROAD, MOOREWOOD AVENUE, AND MIDSHIP DRIVE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 25-111. This legislation will award a contract for the installation of RRFBs at the intersection of Walker Road, Moorewood Avenue, and Midship Drive to Perram Electric, Inc., of Wadsworth, Ohio, in the amount of \$42,122.75.

Mr. Kos noted that this project has been long-discussed and is part of an agreement with Pulte Homes, Inc., to cover half the cost. The suspension of rules was requested to expedite the installation process, aiming to have it in place for the beginning of the next school year.

Public Works Director Liskovec provided additional information on the project timeline, mentioning that the biggest hurdle will be lead times for components, which could range from 10-12 weeks to potentially 6 months.

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

No: None

Motion carried.

Ordinance No. 25-111 adopted.

PUBLIC INPUT

1. Debbie Yue, Avon Lake, requested an update on the installation of a gate on the connecting roadway between Port Side subdivision and Handford Boulevard. She referenced Ordinance No. 24-158, adopted on October 15, 2024, which authorized the City to enter into a Memorandum of Understanding (MOU) with Pulte Homes of Ohio. The MOU stipulated that the City would install a gate within 30 days of the connecting roadway's completion, with Pulte agreeing to contribute \$15,000 towards the cost. She presented photographic evidence showing that the connecting roadway had been completed since April 15, 2025, but no gate had been installed after the agreed upon time. She requested information on when the gate would be installed and whether Pulte Homes had paid the agreed \$15,000 contribution.

In response, Mayor Spaetzel reported that a meeting had been held on May 23, 2025, with various City Departments to discuss this issue. He explained that the plan was to remove the concrete Jersey barriers and install a chain with signage to prevent public access while still allowing emergency vehicle access. The Mayor emphasized the importance of quick access for public safety vehicles due to ongoing development in the area.

Public Works Director Liskovec added that the Engineering Department was developing a signage plan for the area, and they were looking for the necessary materials.

2. Gerald Phillips, Avon Lake, reiterated his concerns about the power plant redevelopment deal. He presented two scenarios:
 - The City buys land for \$15 million and makes \$15 million in improvements, reimbursed by a \$30 million TIF, which he argued would negatively impact the school district.
 - The City enforces its zoning laws, requiring the developer to provide 20 acres of parkland at no cost to the City or school district.

Mr. Phillips raised concerns about what he sees as systemic issues in Avon Lake related to free speech, the right to petition the government, and public officials not fulfilling their oath of office. He criticized Councilmembers for what he perceives as a failure to follow the City Charter and Codified Ordinances.

3. William Zimmerman, of Avon Lake, voiced his concerns about violations of civil rights and freedom of speech during Council Meetings. He criticized the Mayor and Councilmembers for their reactions to public comments and accused them of violating Robert's Rules of Order. He also expressed concerns about the transparency of the Brownfield Committee and questioned the selection of Attorney Todd Davis as a City consultant.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:07 p.m.

Approved: /s/ Jennifer G. Fenderbosch
Council President

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