

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
JUNE 23, 2025**

The regular meeting of the Avon Lake City Council was called to order on June 23, 2025, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

Mr. Zuber 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; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

Absent: Finance Director Beth Krosse.

APPROVAL OF MINUTES

The minutes of the regular Council Meeting held on April 28, 2025, were approved as prepared and published.

CORRESPONDENCE

The following correspondence or communications were received:

1. Mr. Kos reported receiving a letter from Lee Klingshirn of Klingshirn Winery, informing Council that the winery will be celebrating 90 years in business. Over three generations, the Klingshirn family has contributed to the City's economy and built a regional reputation, making their name synonymous with quality winemaking in the area.

Mr. Zuber stated that he also received a letter from Mr. Klingshirn and subsequently contacted him to suggest that Council formally recognize the winery's 90th anniversary at a future Council meeting.

2. Mr. Shahmir reported that he has received several phone calls regarding the conditions of the roads in the Westwinds subdivision and questioned when the repair work would be started.

In response, Public Works Director Liskovec stated that crews have been in that subdivision working on repairs street by street. He was uncertain when the specific area Mr. Shahmir referenced would be repaired.

3. Council President Fenderbosch stated that Councilmembers have

received several emails from Handford Boulevard residents about their dissatisfaction with how the issue is being handled by the Administration and Council.

4. Mr. Shahmir shared concerns raised by residents on the east side of the City regarding poor cellular service and issues related to Global System for Mobile Communications (GSM) towers. Although he has made efforts to contact service providers to better understand the problem, he believes a coordinated City initiative would be more effective in addressing the issue.
5. Clerk Rosmarin reported that she received the following emails:
 - Keith Filipkowski of Pulte Group requested Council suspend the rule for three readings on an emergency basis for Ordinance No. 25-127, approving the final plat for Sandridge Run, and Ordinance No. 25-128, approving the final plat for Port Side Townhouse Subdivision.
 - Gerald Phillips stated his objection to the elimination of three minutes on agenda items that is proposed in the amendments of Codified Ordinance Chapter 220 in Ordinance No. 25-116.

MAYOR'S REPORT

Mayor Spaetzel reported on the following:

1. Corrections have been made to the Do Not Knock Registry that was identified by a resident at a previous meeting. The registry is available at the City's website, and addresses have been listed alphabetically. Residents' names are not disclosed on the registry.
2. RJ Platten, the contractor for the Avon Lake Play Space (ALPS) Project, will begin staging the equipment the week of July 7, 2025.
3. Summerfest, held June 21, 2025, at Miller Road Park, was very successful, and the Recreation Department plans to offer this event next summer.
4. Independence Day Celebration will be held on Thursday, July 3, 2025, at Weiss Field. Food trucks and dessert trucks will be at the site along with live music by Country Redford. The fireworks display begins at 10 p.m.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported on the following:

1. The next Collective Committee Meeting is Monday, July 7, 2025, at 7 p.m. in the Council Chamber.

2. The next Council Meeting is Monday, July 14, 2025, at 7 p.m. in the Council Chamber.
3. The Boards and Commissions Structure Review Ad Hoc Committee will be established tonight. The Committee's goals will be to review the City's Boards and Commissions appointments and terms to determine if they are balanced.

LAW DIRECTOR'S REPORT

Law Director Ebert stated that he provided Council with a draft of the proposed short- term rental ordinance and recommended that Council enact a moratorium on new short-term rentals prior to the summer recess. This would allow time for Council to review the draft ordinance, which will be placed on a future agenda. Once the ordinance is adopted, the moratorium can be repealed.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. The intersection of Newbury Drive and Brunswick Drive will be closed on June 24, 2025, for approximately seven days as Denes Concrete removes pavement, prepares the surface, and lays the new concrete. Notices have been sent to residents impacted by the closure.
2. A pre-construction meeting with Perram Electric was held this morning for the Walker Road/Midship Drive/Moorewood Avenue Rapid Rectangular Flashing Beacon (RRFB) Project. The City was informed that there is a lead time of 18 months for equipment. The site will be prepared this fall.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. The next Committee meeting is Wednesday, September 17, 2025, at 6 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

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

1. Mike McCormick of Applied Specialties resigned from the Environmental Affairs Advisory Board (EAAB) effective June 21, 2025. With this resignation, there are three vacancies on the Board.

2. The next meeting of the EAAB is Thursday, July 10, 2025, at 6:30 p.m. at the Avon Lake Public Library.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

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

1. The Committee met on June 18, 2025.
 - The agenda included the presentation of a draft of the Economic Recovery and Resiliency Plan developed by Kleinfelder. The plan outlines the goals, objectives, and action plan. This draft will be updated to include Key Performance Indicators (KPIs) along with items discussed by the Committee. The plan's implementation will be handled by Community Development Director Ted Esborn and the Administration.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. Income tax collection through June 2025 has increased 4.6% or \$454,000 higher than last year at this time.
2. A meeting with the State Auditors to review their report is Monday, July 2, 2025, at 5:30 p.m. in the First Floor Conference Room.
3. The next Committee meeting is Monday, July 7, 2025, at 6 p.m. in the Council Chamber.

HUMAN RESOURCES COMMITTEE REPORT

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

1. The next Committee meeting is Monday, July 14, 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 Committee met on June 17, 2025.
 - The agenda included a review of Chapter 474, Bicycles and Motorcycles Generally, as it pertains to electric bicycles. The Committee and Police Chief Caleb Robinson amended Chapter 474 to include language regarding electric bicycles. These amendments were recommended to be passed on an emergency at the first reading to give the Police Department the authority to educate the public and enforce the code during the summer season.

PUBLIC SERVICE COMMITTEE REPORT

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

1. There are 13 items on tonight's agenda pertaining to asphalt, aggregate, and concrete; 11 of these will be suspension of the rule requiring three readings to purchase these materials during the current construction season.

PLANNING COMMISSION REPORT

Mr. Smith reported on Planning Commission as follows:

1. The payment of engineering and inspection fees and the punch list were completed for the final plat request of Pulte Homes of Ohio, LLC, for Sandridge Run, a 28-unit townhouse subdivision located on the west side of Avon Belden Road.
2. The next Commission meeting is Tuesday, July 3, 2025, at 7 p.m. in the Council Chamber.

Mr. Kos asked if there was an issue with the language in the Port Side Townhouse Subdivision plat regarding a barrier or gate as it relates to the Handford Boulevard area and the traffic circle.

Mayor Spaetzel stated that, while he could not speak to the plat directly, Planning Commission notes indicate that a temporary traffic barrier was installed at Handford Boulevard at the request of residents. This barrier will remain in place until the completion of the traffic study. He further noted that this interim measure does not affect the technical review or the final plat's compliance with City Code.

Mr. Smith reviewed the final plat and confirmed that it does not reference a gate. He stated that the official connection of the two roadways will occur upon the approval and recording of the final plat.

ZONING BOARD OF APPEALS REPORT

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

1. The next Board meeting is Wednesday, June 25, 2025, at 7 p.m. in the Council Chamber.

SHORT-TERM RENTALS AD HOC COMMITTEE REPORT

Mr. Arnold reported on the Short-Term Rentals Ad Hoc Committee as follows:

1. The Committee met on June 11, 2025.

- The agenda included discussion on registration, inspection, limitation, saturation, and penalties for short-term rentals.
- Law Director Ebert drafted a short-term rental ordinance, which is under Council review.
- The proposal of a six-month moratorium until a short-term rental ordinance has been finalized is being considered.

Mr. Kos responded to comments regarding the request for a parallel course of action, stating that draft legislation has been circulated and a meeting will be held within two weeks to discuss it. He expressed uncertainty about the difficulty in passing the moratorium this evening and hoped Council would be supportive. His intention was to freeze new short-term rentals while legislation is developed, and he initially planned to request suspension of the rule that evening.

Mr. Smith stated that he could not support suspension of the rule, noting that he felt a six-month moratorium was too long.

Mr. Zuber stated that he wanted the moratorium and legislation to move forward together. He would support suspension of the rule only if both were presented as companion pieces.

Mr. Arnold asked about the limitation of 1,000 feet, noting that he did not see that provision in the legislation.

Mr. Kos confirmed that the 1,000-foot limitation had not been added. The moratorium would prohibit all new short-term rentals for six months, or until legislation is passed.

Ms. Gentry noted that discussion at last week's meeting indicated the intent was for the moratorium to remain in place until legislation was passed. She felt Council had a good starting point and anticipated it would take less than six months to adopt legislation.

Council President Fenderbosch stated she also could not support suspension of the rule for the moratorium. She noted that the issue originated from a property on James Circle, but the moratorium would allow all existing short-term rentals to continue operating, which did not address that concern.

Mr. Kos concluded that he would not seek suspension of the rule this evening. The ordinance will be placed on first reading, and he will request suspension of the rule in two weeks.

AUDIENCE PARTICIPATION

1. Paul Orlousky, Avon Lake, addressed Council regarding Ordinance No. 25-128. He noted that the final plat identifies a circle, which he previously brought to Council's attention at a Collective Committee Meeting. He stated that if the

ordinance is approved with the circle shown, it would not reflect the current intersection. He referenced the temporary traffic barrier installed on Handford Boulevard at the request of residents, which will remain in place until completion of the traffic study. He also referred to the Memorandum of Understanding (MOU), which specifies installation of a gate with a \$15,000 contribution from Pulte. He noted that the timeframe outlined in the MOU for addressing the gate has passed and asked Council how this matter will be addressed.

2. Debbie Yue, Avon Lake, addressed Council regarding Ordinance No. 25-128, the final plat for Port Side. She stated that she agreed with Mr. Orlousky but wished to note inconsistencies between Ordinance Nos. 25-128 and 24-158. She explained that the final plat in Ordinance No. 25-128 indicates a traffic circle and references a temporary traffic barrier to remain in place pending completion of a traffic impact study. She stated that this is inconsistent with Ordinance No. 24-158, adopted last year, which in Paragraph No. 5 expressed Council's intent that a gate be installed on the roadway into the Port Side development for emergency vehicles. She further noted that the MOU states that the City would be responsible for installing a gate within 30 days and does not reference a temporary traffic barrier. She expressed concern that the language in the final plat could give the impression that the results of the traffic impact study have been predetermined. She concluded by asking Council to consider residents' concerns regarding the potential traffic impacts of the new development.
2. William Zimmerman, Avon Lake, addressed Council regarding legislation on first reading tonight and questioned the use of emergency language and the urgency of the measures. He asked whether the bicycle ordinance and other items had been fully reviewed in committee before coming to Council. He also reiterated concerns he previously raised about the former power plant and the gate issue, expressing support for Handford Boulevard residents.

MOTIONS

Council President Fenderbosch moved to authorize the City Engineer and Public Works Director to advertise Requests for Qualifications (RFQ) for Country Club Bridge Design.

- The State of Ohio identified that culvert pipes and corrugated metal pipes on the bridge have advanced deterioration or have full section loss.

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

No: None

Motion carried.

Council President Fenderbosch moved to permit Mr. Arnold to be excused from voting on Ordinance Nos. 25-124, 25-125, and 25-126 pursuant to Codified Ordinance

220.19(b).

- Due to a conflict of interest, Mr. Arnold is unable to vote and requested permission to be excused.

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

No: None

Motion carried.

Council President Fenderbosch moved to establish the Boards and Commissions Structure Review Ad Hoc Committee with Members Kamber Herrmann, Dale Slivinski, and Larry Sansom.

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

No: None

Motion carried.

Mr. Smith moved to approve the Avon Center Estates No. 2, Phase VI, Preliminary Plat, as recommended by Planning Commission on June 3, 2025, subject to the following conditions:

- (1) Clarify street frontage for lots 331, 311, 301, 303, 310, 295, 300;
- (2) Add note that Spyglass Court cul-de-sac island is to be maintained by the HOA;
- (3) Identify the location of cluster mailbox unit;
- (4) Add a minimum 15-foot corner radii at all intersections;
- (5) Revise Spyglass Court right-of-way to a minimum 65-foot radius; and
- (6) Install individual storm sewer laterals for each rear yard drain.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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

Mr. Smith moved for passage of Ordinance No. 25-109. This legislation will amend Planning & Zoning Code Sections 1214, 1224, 1226, 1234, and 1236, as recommended by the Code Administrator and approved by Planning Commission on May 6, 2025.

The omission noted by Ms. Gentry at the last Council Meeting was corrected.

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

No: None

Motion carried.

Ordinance No. 25-109 adopted.

Second Readings:

Ordinance No. 25-112, AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 1470: DEMOLITION, was read by title only.

This legislation will define the requirements for permits, environmental safeguards, insurance and bonding, and site restoration to ensure that demolition activities do not pose a risk to neighboring properties, residents, or the environment.

Ordinance No. 25-113, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1438: LICENSING OF CONTRACTORS DEFINED, AND CODIFIED ORDINANCE CHAPTER 1468: UNSAFE BUILDINGS, was read by title only.

This legislation will amend Chapter 1438: Licensing of Contractors Defined, and Chapter 1468: Unsafe Buildings. In coordination with updates to Chapter 1470 of the Codified Ordinances, two existing ordinances were modified to ensure consistency and enforceability of demolition-related requirements.

Resolution No. 25-115, A RESOLUTION ADOPTING AND DECLARING THE 2026 TAX BUDGET AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 25-115. This legislation will adopt and declare the tax budget for 2026, which will be submitted to the Lorain County Budget Commission.

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

No: None

Motion carried.

Ordinance No. 25-115 adopted.

Ordinance No. 25-116, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220: COUNCIL, was read by title only.

This legislation will amend Codified Ordinance Chapter 220: Council. Over the past several months, Council has conducted a comprehensive review of its policies and procedures outlined in the Administrative Code. The goal of this review was to modernize language and enhance opportunities for public engagement in the legislative process.

First Readings:

Ordinance No. 25-117, AN ORDINANCE AWARDING A CONTRACT FOR THE 2025 CRACK SEALING PROGRAM TO SPECIALIZED CONSTRUCTION, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-117. This legislation will award a contract for the 2025 Crack Sealing Program to Specialized Construction, Inc., of Cuyahoga Heights, Ohio, in the amount of \$31,750 plus Add Alternate 1 (\$10,500), Add Alternative 2 (\$12,000), and Add Alternate 3 (\$8,500) for a total of \$62,750.

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

No: None

Motion carried.

Ordinance No. 25-117 adopted.

Ordinance No. 25-118, AN ORDINANCE AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF THE 2025 WATER BUNDLE PROJECT BETWEEN AVON LAKE BOARD OF MUNICIPAL UTILITIES, DBA AVON LAKE REGIONAL WATER, THE CITY OF AVON LAKE, AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-118. This legislation will authorize the Mayor and Finance Director to apply for, accept, and

enter into a Cooperative Agreement for construction of the 2025 Water Bundle Project. Avon Lake Regional Water seeks to improve the stormwater system, appurtenances, and drinking water infrastructure and desires to obtain a loan from the Ohio Water Development Authority (OWDA) to finance the cost of construction of the facilities.

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

No: None

Motion carried.

Ordinance No. 25-118 adopted.

Resolution No. 25-119, A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-119. This legislation will authorize the Mayor to submit an application to the Ohio Public Works Commission (OPWC) State Capital Improvement Program and the Local Transportation Improvement Program, which provide financial assistance to political subdivisions for capital improvements to public infrastructure. The City is planning major capital improvements to its infrastructure, and it is a priority for the community to qualify as an eligible project under OPWC.

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

No: None

Motion carried.

Ordinance No. 25-119 adopted.

Ordinance No. 25-120, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TERMINAL READY-MIX FOR THE FURNISHING OF READY-MIX CONCRETE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-120. This legislation will award a contract to Terminal Ready-Mix of Lorain, Ohio, for the purchase of Class C ready-mix concrete in the amount of \$150.00 per cubic yard.

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

No: None

Motion carried.

Ordinance No. 25-120 adopted.

Ordinance No. 25-121, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WESTVIEW CONCRETE CORP. FOR THE FURNISHING OF READY-MIX CONCRETE AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-121. This legislation will award a contract to Westview Concrete Corp. of Olmsted Falls, Ohio, for the purchase of ready-mix concrete as follows: LSM (100) at the amount of \$112.00 per cubic yard, MS Mix in the amount of \$164.50 per cubic yard, and FS Mix in the amount of \$176.50 per cubic yard.

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

No: None

Motion carried.

Ordinance No. 25-121 adopted.

Ordinance No. 25-122, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH AREA AGGREGATES, LLC, FOR STREET RESURFACING MATERIALS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-122. This legislation will award a contract to Area Aggregates, LLC, of Columbus, Ohio, for the

purchase of street resurfacing materials consisting of Nos. 1, 8, 10, 57, 304, and 411 limestone.

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

No: None

Motion carried.

Ordinance No. 25-122 adopted.

Ordinance No. 25-123, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH KOKOSING MATERIALS, INC., FOR STREET RESURFACING MATERIALS AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-123. This legislation will award a contract to Kokosing Materials, Inc., of Fredericktown, Ohio, for the purchase of street resurfacing materials consisting of asphalt patching Type 301 (\$78 per ton) and Type 448 (\$90 per ton).

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

No: None

Motion carried.

Ordinance No. 25-123 adopted.

Ordinance No. 25-124, AN ORDINANCE AUTHORIZING ENGINEERING CONSULTANT SERVICES FROM BRAMHALL ENGINEERING & SURVEYING COMPANY FOR CONSTRUCTION OBSERVATION AND CONTRACT ADMINISTRATION OF WALKER ROAD PAVING PROJECT, PHASE 5, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-124. This legislation will award a contract to Bramhall Engineering & Surveying Company of Avon, Ohio, for observation and contract administration of the Walker Road Paving Project, Phase 5, in the amount of \$78,080.

Mr. Shahmir voiced opposition to the current contract and three subsequent contracts with Bramhall Engineering & Surveying Co. during a PowerPoint presentation, citing concerns about the integrity of the procurement process. He argued that City Engineer Chris Howard, as a principal of Bramhall, has a conflict of interest when recommending his firm for City projects. Bramhall's technical qualifications are not in dispute, but objects to the frequency and cumulative value of contracts awarded to the firm raise questions about transparency, fairness, and compliance with Ohio ethics laws governing public contracts and potential conflicts of interest.

In response, Law Director Ebert circulated a legal opinion, prior to this meeting, disputing Mr. Shahmir's claims, asserting that City Engineer Howard's involvement does not constitute a conflict under Ohio law. A full review of the documents distributed by Mr. Shahmir is pending Law Director Ebert's review, and a formal statement on their merits will be provided following that assessment.

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Ordinance No. 25-124 adopted.

Ordinance No. 25-125, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY FOR DESIGN SERVICES AND BID ASSISTANCE FOR THE WALKER ROAD REHABILITATION PROJECT, PHASE 6, AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-125. This legislation will award a contract to Bramhall Engineering & Surveying Company of Avon, Ohio, for design services and bid assistance for the Walker Road Rehabilitation Project, Phase 6, in the amount of \$79,725.

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Ordinance No. 25-125 adopted.

Ordinance No. 25-126, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING COMPANY FOR DESIGN SERVICES AND BID ASSISTANCE FOR THE 2026 ROAD PROGRAM AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-126. This legislation will award a contract to Bramhall Engineering & Surveying Company of Avon, Ohio, for design services and bid assistance for the 2026 Road Program in the amount of \$434,000.

Yes: Zuber, Fenderbosch, Gentry, Kos, Smith

No: Shahmir

Abstention: Arnold

Motion carried.

Ordinance No. 25-126 adopted.

Ordinance No. 25-127, AN ORDINANCE APPROVING THE FINAL PLAT FOR SANDRIDGE RUN AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Smith moved for passage of Ordinance No. 25-127. This legislation will approve the final plat for Sandridge Run, consisting of a 28-unit fee-simple townhouse development on the west side of Avon Belden Road (SR 83), south of Walker Road, and north of Webber Road in a R-2 Multi-Family Residential District, as approved by Planning Commission on June 3, 2025.

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

No: None

Motion carried.

Ordinance No. 25-127 adopted.

Ordinance No. 25-128, AN ORDINANCE APPROVING THE FINAL PLAT FOR PORT SIDE

TOWNHOUSE SUBDIVISION AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Arnold, Fenderbosch, Kos, Smith

No: Zuber, Gentry, Shahmir

Motion failed.

This legislation will approve the final plat for Sandridge Run, Port Side Townhouse Subdivision, consisting of 18 fee-simple townhouse lots on 5.0206 acres located south of Walker Road, north of Krebs Road, and east of Lear Road in a Planned Unit Development (PUD), as approved by Planning Commission on June 3, 2025.

Mr. Smith displayed the final plat and clarified that a traffic circle is not included. He noted that the discussion about a gate pertained to a private street and was unrelated to the gate referenced in the MOU. The earlier reference to a traffic circle was a clerical error in staff notes.

Mr. Shahmir stated that the gate was discussed in the MOU, with Pulte agreeing to contribute toward the cost, and he felt there was a lack of clarity and intends to vote no, as residents feel there has been a “bait and switch.”

Mr. Smith explained that the gate issue is separate from the final plat. The MOU, previously approved by Council, requires the Administration to act once the streets are connected. He emphasized that the official connection occurs only after the final plat is approved and filed; until then, the streets are not legally connected or deeded.

Mr. Shahmir referenced Liberty Rose Drive as an example where similar agreements were made, but residents suffered until Council installed barriers to stop construction vehicles.

Council President Fenderbosch asked when the gate would be installed.

In response, Mayor Spaetzel stated the intent to block the section of roadway is to prevent traffic from Port Side development from accessing Hanford Boulevard. The current divider accomplishes this but also limits emergency vehicle access, which is not desirable. Installing a gate now would be costly, especially without knowing the results of the traffic study or Council’s decision. Although Pulte agreed to contribute \$15,000, he prefers a permanent gate structure rather than a temporary one. Options being considered include signage and a chain, which would restrict access as needed while allowing emergency entry at a lower cost. He noted that permanent gates, like those in HOAs, require significant electrical and design work and are very expensive.

Mr. Zuber stated that his understanding was that a gate would be installed once the roads were connected. He requested cost estimates so the Finance Committee could

review the matter on July 7, 2025.

Ordinance No. 25-129, AN ORDINANCE AMENDING CHAPTER 474: BICYCLES AND MOTORCYCLES GENERALLY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mr. Kos moved for passage of Ordinance No. 25-129. This legislation will amend Chapter 474 of the Codified Ordinances to incorporate electric bicycles, reflecting their increased use in the community. It clarifies that bicycles and electric bicycles may be operated on sidewalks only when the motor is not engaged, in accordance with Ohio Revised Code 4511.711. A new provision prohibits riding electric bicycles on sidewalks with the motor engaged, and the previous restriction on bicycle use in business districts has been removed. The Police Department will continue to promote bicycle licensing, which offers benefits such as theft recovery and an opportunity for police to educate riders on traffic safety.

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

No: None

Motion carried.

Ordinance No. 25-129 adopted.

Ordinance No. 25-130, AN ORDINANCE IMPOSING A MORATORIUM ON THE USE OF RESIDENTIAL PROPERTY FOR SHORT-TERM RENTAL AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish a six-month moratorium on new short-term rental properties in Avon Lake to address concerns about neighborhood impact and public welfare. Existing short-term rental properties may continue if their use predates the ordinance and complies with current regulations.

Ordinance No. 25-131, AN ORDINANCE AWARDING A CONTRACT FOR THE 2025 WATERLINE BUNDLE PROJECT TO UNDERGROUND UTILITIES, INC., AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Council President Fenderbosch moved for passage of Ordinance No. 25-131. This legislation will award a contract for the 2025 Waterline Bundle Project to Underground Utilities, Inc., of Monroeville, Ohio, in the amount of \$17,174,780.59. Of this amount, 79.8% will be funded by Avon Lake Regional Water, and 20.2% will be covered by the City of Avon Lake.

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

No: None

Motion carried.

Ordinance No. 25-131 adopted.

PUBLIC INPUT

1. Vince Cononico, Avon Lake, expressed frustration over the lack of progress on the gate installation between the two subdivisions, referencing the MOU. He asked the Mayor for a direct answer on whether the City intends to install the gate, stating that repeated delays and excuses are exhausting. He urged officials to be transparent and honest with residents, rather than avoiding the issue.

Carol Freebairn, Avon Lake, thanked Mr. Shahmir and Mr. Kos for their clarity and documentation. She asked if Council members are allowed to explain their votes and whether there's a rule preventing them from doing so.

In response, Council President Fenderbosch stated that Council Meetings are not designed for back-and-forth discussion.

Law Director Ebert added that residents can raise issues, and Council will respond afterward via phone, email, or direct contact.

Debbie Yue, Avon Lake, addressed Council regarding the definition of "connecting," referencing a photo shown on May 27, 2025, that demonstrated the road was physically joined. She disagreed with the interpretation that the connection depends on final plat approval. She argued that any ambiguity in the MOU—drafted by the City—should be interpreted against the drafter, per contract law. She emphasized that the roads were clearly connected as of April 15, 2025, yet no gate has been installed. She urged Council to honor the MOU by installing a gate, not a chain, and to genuinely listen to constituents' concerns.

2. Scott Kennedy, Avon Lake, acknowledged the frustration of Handford Boulevard residents and recalled similar concerns raised during the Woodbridge Way connection nine years ago. He noted that at that time, the idea of a gate was repeatedly rejected and questioned why it's now being considered for Handford Boulevard but wasn't for Parkside Drive, despite similar arguments. He expressed confusion over the current situation, criticized the \$200,000 traffic

study as excessive, and suggested that the City may be avoiding making a difficult but necessary decision.

3. Paul Orlousky, Avon Lake, voiced his support for the gate, highlighting Handford Boulevard's unique character and national recognition. He stated that the traffic impact without a gate would significantly affect the neighborhood, making this situation different from others.
4. William Zimmerman, Avon Lake, criticized Council for inaction on electric scooters and for bypassing committee review on bike ordinance amendments. He questioned the lack of a demolition moratorium while that ordinance was being developed and cited a delayed public records request as part of ongoing concerns about transparency.

Ms. Gentry and Law Director Ebert clarified that the records request was fulfilled within two days, on June 11, 2025.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

- A Ward 1 Meeting will be held on Tuesday, June 24, 2025, at 5:30 p.m. at the Avon Lake Public Library.

Mr. Kos moved for adjournment.

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

No: None

Motion carried.

Adjournment: 9:20 p.m.

Approved: /s/ Jennifer G. Fenderbosch
Council President

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