



CITY OF AVON LAKE
150 Avon Belden Road
Avon Lake, Ohio 44012

VOTING ORDER

J. Fenderbosch
A. Gentry
D. Kos
R. Shahmir
G. Smith
K. Zuber
Z. Arnold

The following business is to be considered at the regular meeting of the Avon Lake City Council on July 14, 2025, at 7 p.m. in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Arnold, Mrs. Fenderbosch, Ms. Gentry, Mr. Kos, Mr. Shahmir, Mr. Smith, Mr. Zuber, Mayor Spaetzel, Law Director Ebert, Finance Director Krosse, Public Works Director Liskovec.

Approval of Minutes: May 5, 2025; May 12, 2025; and May 27, 2025, Council Meetings.

Correspondence

Reports

Mayor
Council President
Law Director
Finance Director
Public Works Director
Standing Committees
Special Committees

Audience Participation

Legislation

Third Readings:

Ordinance No. 25-112, AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 1470: DEMOLITION. *Sponsor: A. Gentry*

Ordinance No. 25-113, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1438: LICENSING OF CONTRACTORS DEFINED, AND CODIFIED ORDINANCE CHAPTER 1468: UNSAFE BUILDINGS. *Sponsor: A. Gentry*

Ordinance No. 25-116, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220: COUNCIL. *Sponsor: J. Fenderbosch*

First Readings:

Ordinance No. 25-132, AN ORDINANCE ALLOWING BEER, WINE, AND HARD SELTZER-TYPE BEVERAGES TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY BEER FEST TO BE HELD AT MILLER ROAD PARK ON AUGUST 23, 2025, AND DECLARING AN EMERGENCY. →*Sponsor: D. Kos*

Resolution No. 25-133, A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AT 31954 LAKE ROAD AND DECLARING AN EMERGENCY. →*Sponsor: J. Fenderbosch*

Ordinance No. 25-134, AN ORDINANCE AMENDING CHAPTER 1018: MUNICIPAL TREE ORDINANCE, AND CODIFIED ORDINANCE SECTION 1065.99, ENFORCEMENT AND PENALTY. *Sponsor: J. Fenderbosch*

Ordinance No. 25-135, AN ORDINANCE APPROVING A VACATION FOR PORTIONS OF THE ELECTRIC BOULEVARD RIGHT-OF-WAY AND DECLARING AN EMERGENCY. →*Sponsor: J. Fenderbosch*

Ordinance No. 25-136, AN ORDINANCE APPROVING A VACATION FOR A PORTION OF THE SHIELDS AVENUE AND ELECTRIC BOULEVARD RIGHTS-OF-WAY AND DECLARING AN EMERGENCY. *Sponsor: G. Smith*

Ordinance No. 25-137, AN ORDINANCE AWARDED A CONTRACT FOR THE WALKER ROAD PAVING PROJECT, PHASE 5, AND DECLARING AN EMERGENCY. →*Sponsor: J. Fenderbosch*

Public Input

Miscellaneous Business and Announcements

Adjournment

AN ORDINANCE ENACTING CODIFIED ORDINANCE CHAPTER 1470: DEMOLITION.

WHEREAS, the City of Avon Lake desires to establish a uniform and comprehensive process for the safe and environmentally responsible demolition of buildings and structures within City limits to protect the health, safety, and welfare of its residents; and

WHEREAS, the proposed Chapter 1470 includes requirements for permits, environmental safeguards, insurance and bonding, and demolition site restoration to ensure that demolition activities do not pose a risk to neighboring properties, residents, or the environment; and

WHEREAS, the City recognizes the necessity of adopting procedures that are consistent with federal, state, and local regulations, including the Ohio Environmental Protection Agency, the Ohio Building Code, and other relevant authorities, to promote responsible development and public safety; and

WHEREAS, the Building and Utilities Committee, in coordination with the Law Department and other relevant City staff, has thoroughly reviewed, developed, and recommended the adoption of Chapter 1470 to ensure responsible and regulated demolition practices in the City of Avon Lake; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Chapter 1470: Demolition, is hereby enacted, as shown on Exhibit A, which is attached hereto and made a part hereof.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/09/2025
2nd reading: 6/23/2025
3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____
Clerk of Council

Mayor

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1438: LICENSING OF CONTRACTORS DEFINED, SECTION 1438.01 CONTRACTOR DEFINED, AND CODIFIED ORDINANCE CHAPTER 1468: UNSAFE BUILDINGS.

WHEREAS, the Building and Utilities Committee, in coordination with the Law Director and other relevant City staff, has recommended amending Codified Ordinance Chapters 1438 and 1468; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Chapter 1438.01 is hereby amended as follows:

1438.01 CONTRACTOR DEFINED.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONTRACTOR.

(1) Any individual, firm, copartnership, corporation, association or other organization, or any combination thereof, who or which, by himself, herself or itself, or by or through others, constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereto, or who or which undertakes, offers to undertake, purports to have the capacity to undertake or submits a bid to undertake any of the foregoing activities.

(2) In addition to general contractors, the term includes subcontractors and specialty contractors whose operations as such are the performance of construction work requiring special skill, or whose principal contracting business involves the use of specialized building trades or crafts, such as, but not limited to, plumbers, excavators, carpenters, masons, concrete finishers, tinnerns, sewer installers, heating equipment installers, sign erectors, roofers, dry wall applicators, lathers, plasterers and/or building movers. **CONTRACTOR** does not include painters, laborers hired on an hourly basis, floor finishers, insulators and tile applicators.

(3) Persons or entities who are involved in demolition of buildings in whole or in part in accordance with Chapter 1470, are subject to the requirements stated therein.

Section No. 2: That Codified Ordinance Chapter 1468: Unsafe Buildings, is hereby amended as follows:

1468.10 DEMOLITION PROCESS.

All demolitions shall comply with Chapter 1470 of the Codified Ordinances.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/09/2025

2nd reading: 6/23/2025

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 220: COUNCIL.

WHEREAS, Council has recommended amending Codified Ordinance Chapter 220;
and

WHEREAS, Council, coming now to consider said recommendation, approves it in
full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Chapter 220 is hereby amended as follows:

CHAPTER 220: COUNCIL

§ 220.01 MEETINGS.

(a) Regular meetings.

(1) The regular meetings of Council shall be held at 7:00 p.m. on the second and fourth Mondays of each month, with the following exceptions:

- A. ~~of the months of July and August, when Council shall meet on the second Monday;~~ meeting shall be
- B. ~~of July and on the August meeting shall be on the fourth Monday of August; and~~
- C. ~~the month of December , when Council shall meet on the second and third Mondays;~~ meetings shall be
- D. **Holidays:** ~~As a further exception, when a day fixed for any regular meeting falls upon a day designated by law as a legal, or national or locally observed holiday, or the day preceding a day designated by law as a legal, or national or locally observed holiday, such meeting shall be held at the same hour within the preceding or succeeding seven days, on a date to be rescheduled for the same time on a date selected by a majority vote of the members of Council that occurs within seven days or after the date the meeting would have been held but for such holiday. As a final exception, when a day fixed for any regular meeting falls upon a day observed by residents of the city as a holiday or the day preceding a day observed by residents of the city as a holiday, such meeting may be held at the same hour within the preceding or succeeding seven days on a date to be selected by a majority vote of Council.~~ If the regular meeting falls upon a day designated by law as a legal, or national or locally observed holiday, or the day preceding a day designated by law as a legal, or national or locally observed holiday, such meeting shall be held at the same hour within the preceding or succeeding seven days, on a date to be rescheduled for the same time on a date selected by a majority vote of the members of Council that occurs within seven days or after the date the meeting would have been held but for such holiday.

(2) A written record of the items covered and discussed at the meeting shall be kept by the Clerk of Council.

(b) Special meetings.

(1) Special meetings of the members of Council may be called convene in the following manner:

- A. A majority vote of members of Council shall constitute a quorum present at any regular or special meeting;
- B. A call of the Clerk of Council, upon written request of either the Mayor or the Council President; or
- C. A call of the Clerk of Council, upon written request of three members of Council, as provided by Section 8B of the City Charter.

(2) However, if the call for a special meeting is under the authority of division (b)(2)(1)B or (b)(3)(1)C of this section, then 24-hour notice, in writing, of such special meeting shall be given to member of Council and the Mayor by personal service or by leaving such written notice at their usual places of residence, except that such notice shall be held to have been waived by attendance at the special meeting.

(3) A written record of the items covered and discussed at the meeting shall be kept by the Clerk of Council.

(c) Collective committee meetings.

(1) For purposes of the exchange of information, to review Council committee items, and to formulate the regular meeting agenda, collective committee meetings will may be held on the Monday immediately prior to the regular Council meeting. ~~(if needed), in accordance with the collective committee meeting policy implemented on November 3, 1998. All r~~ Requests for legislation shall may be presented either at the collective committee meetings or to the appropriate committee of Council.

(2) Written notice of collective committee meetings shall be given by the Clerk of Council at least 72 hours prior to the date and time of the collective committee meeting.

~~(2 3)~~ A written record of the items covered and discussed at the collective committee meeting shall be kept by the Clerk of Council.

(d) Work sessions meeting.

(1) For purposes of providing detailed information on a topic of interest or importance to the residents of the city, members of Council or the Mayor may request a work session of the members of Council. ~~Written~~ Upon approval of the Council President or a majority of members of Council, notice of the same work session shall be given by the Clerk of Council at least 72 hours prior to the date and time of the work session.

(2) A written record of the items covered and discussed at the work session shall be kept by the Clerk of Council.

(e) Executive sessions.

(1) ~~Council,~~ **At** the request of the Mayor or any member of Council, and upon an affirmative majority roll call vote of at least four members, **members of Council** may meet in executive session immediately before, during or immediately following any regular meeting, special meeting or work session ~~meeting~~ of Council, with or without **the presence of** any party or parties deemed necessary, for any purpose permitted by the laws of the state as were enacted and as are in full force and effect on the date this section becomes effective.

(2) **Persons who are not members of Council may only attend if invited by a member of Council. Information discussed at executive sessions shall not be disclosed without consent of Council.**

(f) Quorum.

(1) A majority of **the members of** Council ~~members~~ shall constitute a quorum to do business, but a lesser number may adjourn from day to day and may compel the attendance of absent members in the manner and under such penalties as may be prescribed by ordinance.

(2) No member of Council or ~~ex-officio member~~ **the Mayor, the Law Director, the Finance Director, and/or the Public Works Director** thereof shall leave the Council Chamber or its immediate environs without the general consent of **the members of** Council as provided in § 220.20, subject to censure at ~~it's~~ **the members of Council's** discretion.

(3) When a quorum is not present, no member **of Council** shall be required to remain in the Council Chambers longer than one-half hour after the appointed time set for the meeting.

(g) Advance notification of time, place and agenda of regular and special meetings.

(1) Any person may be notified of the time and place of all regularly scheduled meetings, and the time, place and purpose of all special meetings, upon written request to the Clerk of Council, ~~which written request shall include delivery to the Clerk of a self-addressed, stamped envelope, to be provided by the person so requesting for the purpose of mailing notices to such person, and a list of the said meetings for which such reasonable advance notification is being sought.~~

(2) The Clerk of Council shall post the agenda of all regularly scheduled meetings, and the time, place and purpose of all special meetings, not later than ~~75~~ **72** hours immediately preceding such scheduled meetings, on **the City's website and** a public bulletin board located at the City Hall, whereby any person may opt to determine such information as is contained in such posted agenda, ~~in lieu of the means provided in division (f)(1) of this section, during the normal business hours set for the City Hall.~~

~~(3) Additionally, any person may, upon request and payment of the fee set forth in § 208.01(d)(5), obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.~~

§ 220.02 ATTENDANCE OF CERTAIN DEPARTMENT OFFICIALS.

The Mayor, the Law Director, the Public Works Director, the Finance Director and the Clerk of Council shall be seated at the Council ~~table~~ **dais** at designated positions and shall attend all meetings of Council unless excused. Their attendance shall be recorded in the initial roll call taken for attendance purposes, and they shall be entitled to speak on matters affecting their respective departments.

§ 220.03 POWERS AND DUTIES.

The Mayor, **the** members of Council, the Law Director, the Finance Director, the Public Works Director, the Clerk of Council, and all other elected or appointed officers of the city shall exercise the powers and perform the functions, with respect to the proceedings of Council, that are vested in or enjoined upon them by either the City Charter, the ordinances of the city or the general laws of the state.

§ 220.04 COUNCIL PRESIDENT.

(a) Not later than ~~30~~ **seven** days after the **certification of** general election **results by the Board of Elections** ~~in November~~, the **presiding** Council President shall ~~call~~ **convene** a meeting ~~with~~ **of** the Council-elect. ~~for~~ **The sole purpose of this meeting shall be to electing a the Council President and President Pro Tempore for the new upcoming term.**

(b) The Council President shall act as presiding officer at all regular meetings, special meetings, collective committee meetings and work sessions of Council and shall be responsible for the orderly function and coordination of all Council activities.

(c) (1) In the absence of the Council President, the President Pro Tempore shall ~~call~~ **convene** meetings to order and preside at said meetings. The President Pro Tempore shall be elected by the **members of** Council at its organizational meeting and shall continue to be the President Pro Tempore throughout the term of said Council.

(2) In the absence of the Council President and the President Pro Tempore, the ~~Secretary~~ **Clerk of Council** or any member of Council **present with the most seniority** should ~~call~~ **convene** the meeting to order and Council, by motion, should immediately elect a Chairperson to preside at said meeting.

§ 220.05 STANDING COMMITTEES.

(a) Within ~~21~~ **19** days following the Council President's election, the Council-elect shall meet again to discuss committee assignments, with Chairpersons recommended by the Council President-elect. Such assignments shall be confirmed by a majority of **the members of** Council at ~~its~~ **their** organizational meeting.

(b) The following standing committees shall perform the duties prescribed in this section.

(1) ~~(g)~~ Building and Utilities Committee.

- A. All ordinances, resolutions and other matters relating to water, storm, sanitary, and combined sewers, additions, repairs, and improvements of storm, sanitary, and combined sewers, hydrants, electrical lines, gas lines, index of line breaks, installations of sewers to enclose open ditches, and sewage disposal, sewer assessments and such matters referred to the Building and Utilities Committee under the jurisdiction of the city and Avon Lake Regional Water, are the responsibility of the Building and Utilities Committee for study and report to Council.
- B. The Chair of the **Buildings and Utilities** Committee will attend Avon Lake Regional Water public meetings when possible.
- C. Reviews ~~of~~ the Building Department objectives and goals, public transportation, railroad crossings, issues pertaining to water, gas **and** shoreline protection. In addition, maintenance of ditches, catch basins, electrical light and power matters shall be considered and recommended.
- D. Reviews city utility contracts with power distribution, including streetlights.
- E. Works with other committees related to renewable energy.

(2) ~~(d)~~ Communications, Environmental, and Recreational Programming Committee.

- A. ~~(1)~~ All ordinances, resolutions and other matters relating to natural resources and environmental protection shall be referred to the Communications, Environmental, and Recreational Programming Committee for investigation and recommendation to Council.
- B. ~~(2)~~ All ordinances, resolutions and other matters relating to the ~~Digital Media~~ **Communications and Technology** Department, ~~the municipally and the city-owned television station~~ **cable access channels and studio**, including telephones, computer hardware or software, social media, city website, marketing and community outreach **shall be referred to the Communications, Environmental, and Recreational Programming Committee for investigation and recommendation to Council.**
- C. ~~(3)~~ One member of the Communications, Environmental, and Recreational Programming Committee shall serve as an ex officio member of the Environmental Affairs Advisory Board.
- D. ~~(4)~~ One member of the Communications, Environmental, and Recreational Programming Committee shall serve as an ex officio member of the Avon Lake ~~Digital Media~~ **Communications and Technology** Commission.
- E. ~~(5)~~ **Reviews** City website and all forms of social media communications and community outreach and noted technology.

- F. ~~(6)~~ Reviews the Recreation Department objectives and goals along with recreational programming (includes youth and senior services and other recreational activities).
 - G. ~~(7)~~ Proposes green renewable energy and alternative energies.
 - H. ~~(8)~~ Oversees issues of information technology within Council Chamber and the city, including network security, radios and all other communications.
 - I. ~~(9)~~ Continues reviewing and lobbying to protect the shores of Lake Erie.
 - J. ~~(10)~~ Proposes arts and humanities programming.
- (3) Economic Development Committee.
- A. All ordinances, resolutions and other matters relating to economic development and involving the ~~office of Economic~~ Community Development Department, including, but not limited to, retaining existing businesses and attracting new businesses to Avon Lake shall be referred to the Economic Development Committee for study, investigation and recommendation to Council, except that such referral on a particular matter may be waived by the Council President upon the Mayor's request and ~~advise~~ advice that timely consideration of such matter by Council is necessary or appropriate.
 - B. Works with members of the Community Improvement Corporation ~~Board~~.
- (4) ~~(b)~~ Finance Committee.
- A. All ordinances, resolutions, and other matters relating to finances, indebtedness, appropriations, payment of moneys and taxation, and all matters involving the office of the Finance Director and insurance and pensions of employees, shall be referred to the Finance Committee for study, investigation, and reporting to members of Council.
 - B. As provided in Chapter ~~296~~ 270, members of the Finance Committee shall also serve as members of the Audit ~~Committee~~ Commission.
 - C. Oversees the ongoing review of city budget, annual appropriations, bond issues, levies, and possible legal issues affecting the city.
 - D. ~~The committee should~~ Reviews the goals and objectives of the Finance Department.
- (5) ~~(c)~~ Human Resources Committee.
- A. ~~(1)~~ All ordinances, resolutions and other matters relating to the hiring or promotion of new or existing employees, the grade and step increases of qualifying city employees, the determination of grades and steps for newly created positions, the writing or amending of job descriptions and other matters involving the office of Human Resources pertaining to Chapter 258 shall be referred to the Human Resources Committee for a recommendation to members of Council.

- B. ~~(2)~~ All ordinances, resolutions and other matters relating to negotiations of wage and salary increases for ~~municipal~~ **city** employees, and the provision of fringe benefits for such employees and special programs, shall be considered and recommended by the Human Resources Committee to **members of** Council.
 - C. ~~(3)~~ The Committee shall Include among its members the Chairpersons of the Finance and **Public Safety and Health** Committees. A member of the Board of Municipal Utilities and a member of the Civil Service Commission shall serve as ex officio members, without a vote.
 - D. ~~The Committee should~~ **Reviews** the goals and objectives of the Human Resources Department.
- (6) ~~(f)~~ **Public Safety and Health Committee.**
- A. All ordinances, resolutions and other matters relating to the Police Department **and** the Fire Department including, but not limited to, inspections, traffic regulations, pedestrian safety, nuisances and safety in the city shall be referred to the Public Safety and Health Committee for investigation. In addition, **a** review of the noted departments' objectives and goals.
 - B. Includes Homeland Security, emergency community preparedness, school safety, bike safety, and works with the County Board of Health on services and health-related issues in the community.
 - C. **Reviews and studies** all emergency vehicles, emergency communication matters, emergency response apparatus, and special task forces ~~will be reviewed and studied through this Committee.~~
- (7) ~~(e)~~ **Public Service Committee.**
- A. ~~(1)~~ **Referrals to Committee.** All ordinances, resolutions and other matters relating to the construction, maintenance and acquisition of facilities, buildings, infrastructure, lands, shoreline, trees, and other vegetation owned by the city or proposed to be acquired by ~~it~~ **the city**, the lease or sale of facilities, buildings, infrastructure and lands not needed for municipal purposes, and matters relating to streets, bike paths, sidewalks, planning, zoning and city buildings and lands including parks shall be referred to the Public Service Committee for study, investigation and report to **members of** Council.
 - B. ~~(2)~~ **Oversight of Right-of-Way Infrastructure.** The Committee ~~is in charge of~~ **shall oversee** all matters pertaining to the construction, repair, maintenance and inspection of streets, bike paths and sidewalks, ~~together with~~ street cleaning, waste collection and disposal, street and highway improvements, ~~grades~~ **ing**, assessments, and other matters ~~relating to that area~~ within the right-of-way.
 - C. ~~(3)~~ **Oversight of Public Services and Facilities.** The Committee ~~is in charge of~~ **shall oversee** operations relating to public services, including, **but not limited to:**

- i. ~~Maintaining~~ an inventory of ~~B~~brownfields, historic properties, ~~and~~ historic districts. ~~, and it shall~~
 - ii. ~~Recommending the obtaining and replacing~~ **acquisition and replacement** of equipment, vehicles and materials used by the Public Works Department, Recreation Department, ~~Municipal~~ **City** Engineer, ~~Code Administrator~~ **Community Development Department** and Building Department.
 - iii. ~~The Committee is responsible~~ **Responsibility** for the maintenance of public parks, playgrounds, and beaches.
- D. ~~(4) Review Planning, Zoning, Department Review. The Committee shall review and monitor the objectives and goals of the Community Development Department, Engineering Department, and Public Works Department regarding objectives and goals.~~
 - E. ~~(5) Housing Property Review. The Committee shall oversee matters relating to property inspection and enforcement of building and maintenance codes.~~
 - F. ~~(6) Arts and Humanities (infrastructure/facilities). The Committee shall be responsible for matters related to the arts and humanities as they pertain to infrastructure and city facilities.~~

§ 220.06 SPECIAL COMMITTEES.

Special committees of Council shall be appointed by the Council President, by general consent.

§ 220.07 COMMITTEE MEETINGS.

(a) A majority of the committee members shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at such ~~a~~ time and place as fixed by the Chairperson of the respective committee.

(b) Each committee or Chairperson may require the attendance at its meeting of such department heads and city officials as, in its judgment, are needed to properly study the matters under consideration.

~~(c) Each committee Chairperson shall prepare minutes of each~~ **A written record of the topics discussed at the** committee meeting **shall be**. ~~A copy of the minutes shall be forwarded to the Clerk of Council and maintained by said the Clerk of Council. Such minutes shall be available for the inspection of all interested persons.~~

§ 220.08 REFERENCE TO MORE THAN ONE COMMITTEE.

Whenever a matter is referred to more than one committee, each may meet separately or upon consent of both Chairpersons, they may meet jointly. Each member of the joint committee shall have one vote.

§ 220.09 COMMITTEE REPORTS.

Committee reports may be made orally or in writing to Council for its consideration, discussion, amendment and final action.

§ 220.10 AGENDA.

(a) Not later than the Friday immediately preceding each scheduled meeting of Council, the Clerk ~~of Council~~ shall prepare and distribute to members and ~~ex-officio members of Council~~ the ~~Administration~~ a copy of the agenda for the next subsequent meeting of Council and, to the extent possible, copies of proposed new legislation and communications referred to on such agenda.

(b) Legislation not appearing on the agenda may be added to the agenda by a two-thirds vote of ~~the members of~~ Council.

(c) Legislation appearing on the agenda may be removed from the agenda by a two-thirds vote of ~~the members of~~ Council.

§ 220.11 ORDER OF BUSINESS ~~AT A COUNCIL MEETING~~.

When ~~the members of~~ Council ~~is~~ ~~are~~ duly organized for the transaction of business, the following order shall be observed:

(a) Pledge of Allegiance.

(b) Roll call of members ~~of Council~~ to determine the presence of a quorum.

(c) Excusal of Absences: ~~by~~

(1) The presiding officer ~~may~~, by general consent, ~~excuse~~ ~~of all~~ members ~~of Council~~ absent for good cause.

(2) ~~If any member of Council objects to the excusal, the matter, provided that if there is an objection, the motion excusing such absent member or members shall be decided by a voted upon by~~ ~~of the majority of members of Council present.~~

(d) Dispensation ~~of Reading and Approval of Minutes.~~ ~~by~~ ~~The~~ presiding officer ~~may dispense with~~, ~~of the reading and approval of the minutes of the last meeting,~~ provided ~~that~~:

(1) ~~All there is no objection, when all~~ members ~~of Council~~ present have received a copy of such minutes ~~in advance of the meeting.~~

(2) No present member of Council objects to dispensing with the reading. ~~And~~

(3) ~~provided that~~ No changes ~~can~~ shall be made ~~to the minutes therein~~ except by:

A. A vote of the majority of the members ~~of Council~~ present at ~~the~~ such preceding meeting ~~for which the minutes were kept,~~ or

B. ~~by~~ A vote of three-fourths of the total membership of Council.

(e) Presentation of official communications and reading and disposal of the same. There being no objections, all correspondence received by Council shall be considered filed.

(f) Legislation required for the appointment to office, administration of the oaths of office, and issuance of ceremonial proclamations to be enacted.

(g) Public Input:

(1) Each member of the audience wishing to speak shall be permitted to speak only once for up to five minutes on any topic.

(2) Additional time, not to exceed five additional minutes, may be granted by a two-thirds vote of the members of Council present.

(3) Every speaker shall address the presiding officer and refrain from personal attacks, indecorous language and becoming boisterous.

(h) ~~(f)~~ Reports from the Mayor, the Council President, the Public Works Director, the Law Director, the Finance Director and any other public official.

(i) ~~(g)~~ Reports of standing committees, in the order set forth in § 220.05, and commission liaison reports.

(j) ~~(h)~~ Reports of special committees, followed by board and commission liaison reports.

~~(k)-(i) Audience participation on agenda items only, provided that such participation is in conformity with § 220.01; Motions.~~

(l) Unfinished Business:

(1) ~~(j)~~ Third reading and disposition of ordinances and resolutions and disposition thereof.

(2) ~~(k)~~ Second reading of ordinances and resolutions.

(m) ~~(l)~~ New business as follows:

~~(1) Ordinances and resolutions which require immediate action as emergency measures, under a suspension of rules; and~~

~~—(2) Introduction and First reading of ordinances and resolutions not of an emergency character.~~

(n) ~~(m)~~ Miscellaneous business and announcements; and

~~—(n) Public input as follows: each member of the audience wishing to speak shall speak for not longer than five minutes, unless Council, by a two-thirds vote, extends the time. Every audience member desiring to speak shall address the Chair, avoiding all personalities and indecorous language; and~~

(o) Adjournment.

~~Such~~ **No change shall be made to this** order of business ~~shall not be changed~~, nor shall any part hereof be omitted, except by a vote of three-fourths of the members **of Council** present at ~~any~~ **the** meeting.

§ 220.12 RULES OF THE FLOOR AND DEBATE.

(a) **Recognition and Decorum.** Every member **of Council** desiring to speak shall address the ~~Chair presiding officer. and, u~~ Upon recognition by the presiding officer, **the member of Council** shall confine ~~himself or herself~~ **their remarks** to the question under debate, ~~avoiding all personalities and~~ **shall refrain from** indecorous language.

~~(b) A Council member shall speak only from his or her seat and for not longer than five minutes on each question, unless Council, by a two-thirds vote, extends the time. No member shall speak more than once on the same motion until every member desiring to speak on that motion has had an opportunity to do so.~~

~~(c) A member, Interruption and Points of Order.~~ Once recognized, **a member of Council** shall not be interrupted while speaking, **except when a call** ~~If a member, while speaking, is called to order, or a point of order is raised. In such cases, the member of Council, he or she shall immediately cease speaking and may resume only when shall be permitted to do by proceed only upon direction from the Chair presiding officer.~~

~~(d) (c) Privilege of the Sponsor.~~ The **member of Council member** moving **for** the adoption of an ordinance or resolution shall have the privilege of opening and closing the debate, ~~provided he or she does not speak longer than his or her allotted time.~~

~~(e) (d) Record of Debate.~~ The Clerk of Council shall ~~enter record~~ in the **official** minutes a synopsis of the discussion of any **matter that is formally presented** ~~question coming regularly before Council. If any member of Council requests that unless a complete written statement be included in the minutes, and the is requested to be entered by a Council requesting member provides the full and such written text of the statement, is provided for the minutes by the Council member so requesting the Clerk of Council shall include that statement in its entirety in the official minutes.~~

§ 220.13 MOTIONS.

When a motion is made, the Council President shall call for discussion on the question. Before the vote, any motion may be withdrawn by its maker, provided a majority present gives consent.

§ 220.14 SECONDS.

No second shall be required for any motion. ~~It is the expressed being the sense of members of Council that the practice of~~ seconding of motions is **unnecessary and** a superfluous ~~proceeding~~ **formality.**

§ 220.15 ORDER OF PRECEDENCE OF MOTIONS.

Whenever a question is before **members of** Council or under debate, the following motions shall be ranked in the following order.

(a) To Adjourn.

- (1) The motion to adjourn shall always be in order, except when **members of** Council ~~is~~ **are** engaged in voting.
- (2) It shall be decided by a majority vote **of the members of Council** without debate.

(b) To Recess.

- (1) A recess may be called at any time by the presiding officer, by general consent, or by motion by any member of Council.
- (2) This motion is not debatable and can have no other motion applied to it except to amend as to the length of the recess.
- (3) This motion shall require a majority vote of **members of** Council.

(c) To Lay on the Table.

- (1) A motion to lay on the table is not debatable or amendable and requires a majority vote **of members of Council** to adopt.
- (2) This motion shall only be used to lay a question aside temporarily at the same meeting.

(d) To Close Debate.

- (1) A motion to close debate is also known as a motion to move the previous question.
- (2) When any member **of Council** moves to close debate and the motion is carried by **the greater of** a two-thirds vote, there shall be no further amendment or debate.
- (3) Pending amendments shall be voted in reverse order before voting on the main question.
- (4) If less than two-thirds vote to close debate, the main question and any amendments are open for further discussion.

(e) To Limit or Extend Debate.

(1) ~~Council debate time is limited by § 220.12(b). To extend such time requires a motion and a two-thirds vote.~~

—(2) **A motion to limit or extend** the total debate time on a **specific** question requires a motion and **approval by** a two-thirds vote **of members of Council present**.

(3) ~~Both procedures are amendable with~~ **Motions to limited or extend** debate **are subject to subsequent amendment**.

(f) To Postpone to a Certain Time or Meeting. This motion shall be used to postpone legislative action until the next or a subsequent meeting, or until after a certain report or event (which items may be amended). The postponement shall require a majority vote.

(g) To Refer to a Committee.

(1) ~~The object of this~~ Council may by motion ~~is to~~ refer a matter to either a standing committee or a special committee of Council to enable the question to be more carefully studied and investigated and thereby rendered more clarified for members of Council to consider.

(2) This motion is debatable and amendable and ~~it~~ requires a majority vote of members of Council to adopt. It may be reconsidered unless the committee has begun consideration of the question referred to it.

(3) A motion to refer may be made by any member of Council, or the presiding officer may, by general consent, refer any question to committee.

(h) To amend.

(1) It shall be in order to amend an ordinance at any time, but if substantially amended upon the third reading, the reading shall be postponed to the next meeting or referred to a committee for further study and members of Council's final action.

(2) An amendment to any question may be in any of the following forms:

- A. To insert or add at the end;
- B. To strike out; or
- C. To substitute.

§ 220.16 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Ordinances and resolutions shall be presented and moved for adoption ~~in Council~~, by any member of Council, who shall be at liberty to make a brief statement of the object and purposes.

§ 220.17 THREE READINGS.

(a) No ordinance or resolution shall be passed until it has been read on three different ~~days~~ meetings of Council, unless this rule is suspended by a two-thirds vote of members of Council.

(b) All ordinances and resolutions shall be read by title only, unless, by general consent or a majority vote of members of Council decides to have any ordinance or resolution read in its entirety.

(c) Any proposed legislation which is pending final passage at the end of any Council's term, and upon which no action has been taken for the previous six months, shall be rendered null and void on the last day of any Council's term.

§ 220.18 PASSAGE OR ADOPTION.

All ordinances and resolutions shall require a majority vote of **members of** Council for adoption, unless a greater vote is required by law or this chapter.

§ 220.19 VOTING.

(a) During collective committee meetings and work sessions, any member of Council may request an informal poll (voice vote) of Council on any subject being discussed. No vote taken at a collective committee meeting or work session shall be considered official or binding.

(b) At regular **Council** meetings, every member shall vote by roll call, either “yes” or “no” on all questions before **members of** Council. However, when a member shows a conflict of interest, he or she may be excused on motion and vote ~~of~~ **from members of** Council. A “yes” vote shall be considered a “yea” vote and a “no” vote shall be considered a “nay” vote, pursuant to Section 9 of the Municipal Charter.

(c) All voting shall be done by consecutive alphabetical rotation. An alphabetical list of Council members shall be kept by the Clerk of Council, and the first vote of the first Council meeting of the year shall be cast by the **member of** Council ~~member~~ whose name is first on the list. The rest of the votes shall then be cast in alphabetical order. All votes for the meeting shall be cast in such order. The voting at all subsequent Council meetings shall continue in rotating alphabetical order until the **member of** Council ~~member~~ whose name is last on the list has cast the first vote on all issues at the meeting, at which time the rotation shall begin again. Refusal to vote shall be deemed contempt of Council, and the member so refusing to vote shall be censured or suspended at the discretion of Council in separate proceedings or charges in contempt.

§ 220.20 GENERAL CONSENT.

(a) When there is evidently no opposition to ~~certain~~ **a particular** questions, the formality of ~~voting can~~ **a vote may** be ~~avoided~~ **waived. In such cases,** by the presiding officer ~~may stating:~~ **state: “If there is no objection,” then stating followed by a clear statement of** the proposed action. If ~~there is no objection by any member of Council~~ **voices an objection**, the action ~~is done~~ **shall be considered approved** by general consent, ~~and no formal~~ **without a vote will be required.**

(b) If one member of Council objects to such action or parliamentary procedure, the presiding officer shall take a majority vote **of members of Council** on the question.

§ 220.21 AUDIENCE PARTICIPATION AND PUBLIC INPUT.

(a) Regular Council meeting.

(1) Any person may address **members of** Council only once during the ~~audience-participation~~ **public input** portion of the meeting **on any topic**, ~~and such participation shall be limited to agenda items only and shall appear prior to Council’s action on motions and legislation. He or she~~ **The speaker** shall be allowed ~~three~~ **five** minutes, unless the time is extended by the presiding officer or **the consent of whichever is greater of two-thirds votes of**

members of Council. Members of Council shall be allowed to direct questions to the speaker, through the presiding officer.

~~—(2) A time for public input shall be provided at the end of the regular Council meeting. Each member of the audience wishing to speak on any topic shall speak for not longer than five minutes and only once.~~

(32) All remarks shall be addressed to ~~Council as a body~~ **the presiding officer** and not to any **individual member of Council**. No person, other than **members of Council and/or the administration** and the person having the floor, shall be permitted to enter any discussion, either directly or through a member of Council, without the permission of the presiding officer. No question shall be asked ~~to a member of Council member~~ except through the presiding officer.

(3) All persons wishing to address members of Council shall state their name and city where they reside.

(4) No question shall be asked a Council member except through the presiding officer. An elected official cannot step down from the dais as a resident to address members of Council

(5) No person shall disrupt the meeting of Council.

(6) Speakers cannot donate their time to others.

(7) Consultants to Council and invited guests may present information and may be called upon to respond to questions from members of Council, the administration, or city staff at any point during a meeting, at the discretion of the presiding officer.

(b) Collective committee meeting.

(1) ~~During a collective committee meeting, the presiding officer may allow audience participation during the course of a collective committee meeting. Such participation shall be limited to the issue then and there at hand and be limited to three minutes per person and 20 minutes per topic or issue.~~ **At the beginning of the meeting, there shall be public input during which time any person may address members of Council on any topic. Each speaker shall address members of Council only once. They shall be allowed five minutes, unless the time is extended by the presiding officer or the consent of whichever is greater of two-thirds votes of members of Council. Members of Council shall be allowed to direct questions to the speaker only through the presiding officer.**

~~(2) A time for public input shall be provided at the end of the collective committee meeting. Each member of the audience wishing to speak on any topic shall speak for not longer than five minutes and only once.~~

(32) All remarks shall be addressed to ~~Council as a body and not to any member~~ **the presiding officer**. No person, other than **members of Council and/or the administration** and the person having the floor, shall be permitted to enter any discussion, either directly or through a

member of Council, without the permission of the presiding officer. No question shall be asked to a member of Council member except through the presiding officer.

- (3) All persons wishing to address members of Council shall state their name and city where they reside.
- (4) No question shall be asked a Council member except through the presiding officer. An elected official cannot step down from the dais as a resident to address members of Council.
- (5) No person shall disrupt the meeting.
- (6) Speakers cannot donate their time to others.
- (7) Consultants to Council and invited guests may present information and may be called upon to respond to questions from members of Council, the administration, or city staff at any point during a meeting, at the discretion of the presiding officer.

(c) Work session.

(1) Any person may address members of Council only once during the time for audience participation portion of the meeting and only on matters specifically related to the ~~shall be provided at the end of the work session~~ topics. ~~Each member of the audience wishing to speak shall speak for not longer than~~ The speaker shall be allowed five minutes, ~~per person or 20 minutes per topic~~ unless the time is extended by the presiding officer or members of Council. Council shall be allowed to direct questions to the speaker through the presiding officer.

(2) All remarks shall be addressed to Council as a body and not to any member. No person, other than members of Council and/or the administration, and the person having the floor, shall be permitted to enter any discussion, either directly or through a member of Council, without the permission of the presiding officer. No question shall be asked a Council member except through the presiding officer.

- (3) All persons wishing to address members of Council shall state their name and city where they reside.
- (4) No question shall be asked a Council member except through the presiding officer. An elected official cannot step down from the dais as a resident to address members of Council.
- (5) No person shall disrupt the meeting.
- (6) Speakers cannot donate their time to others.
- (7) Consultants to Council and invited guests may present information and may be called upon to respond to questions from members of Council, the administration, or city staff at any point during a meeting, at the discretion of the presiding officer.

§ 220.22 RESIGNATION.

The resignation of a member of Council shall not take effect until accepted by a majority vote of the members of Council, exclusive of the person tendering the resignation. Vacancies shall be filled according to Chapter II, Section 6, of the City Charter.

§ 220.23 PARLIAMENTARY AUTHORITY.

(a) Technicalities of parliamentary procedure ~~shall~~ **may** not be invoked, except when necessary to avoid or prevent an interruption of the orderly procedure of business before **members of** Council.

(b) Robert's Rules of Order Newly Revised ~~shall~~ **may** govern the proceedings of Council, ~~in all cases not provided for by this chapter or~~ **except where** the Charter **or Council's adopted, written policies and rules clearly render them inapplicable**, ~~and in any case where they are not inconsistent with this chapter.~~

(c) The presiding officer shall adhere to ~~and enforce the parliamentary authority, together with the rules contained in this chapter~~ **and other policies and rules formally adopted by Council prior to the meeting of the public body.**

§ 220.24 SUSPENSION OF THE RULES.

The rules contained in this chapter, or any one of them, when not precluded by statute or the Charter of the city, may be temporarily suspended at any meeting of Council by a two-thirds **majority** vote of the members **of Council present**, except when a greater vote is required by law.

§ 220.25 AMENDMENT OF THE RULES.

(a) The rules contained in this chapter may be amended or new rules adopted by a two-thirds **majority** vote of **members of** Council at any regular or special meeting.

(b) All amendments or new rules adopted by Council shall be attached to this chapter, together with the effective date of the same.

§ 220.26 SUBPOENAS.

Subject to the limitations imposed by § 268.02 of the code of ordinances, **members of** Council shall have the power to subpoena witnesses and books, documents, records or other evidence at the request of any member of Council for the purpose of investigating charges against an officer or employee. Upon motion adopted by **members of** Council, the Council President or, in his or her absence or unavailability, the President Pro Tempore shall sign any subpoena to be issued pursuant to this section, and such subpoena shall be served and executed by any person authorized to serve subpoenas, and in the manner required, by Rule 45 of the Ohio Rules of Civil Procedure. The return of such subpoena shall be filed with the Clerk of Council. The Law Director, the Assistant Law Director, or in their absence or unavailability, any member of Council may administer the requisite oaths to witnesses, and **members of** Council shall have the same power to compel the giving of testimony by the attending witnesses as is conferred upon courts

of justice. In all such cases, witnesses shall be entitled to the same privileges, immunities and compensation as are allowed witnesses in civil cases, and the cost shall be paid from the General Fund of the city. Any person who refuses to obey a subpoena issued pursuant to this section or to testify in response to such subpoena shall be guilty of contempt of Council, a misdemeanor of the third degree.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading: 6/09/2025

2nd reading: 6/23/2025

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE ALLOWING BEER, WINE, AND HARD SELTZER-TYPE BEVERAGES TO BE SOLD, SERVED, DISPENSED, AND CONSUMED AT A ONE-DAY BEER FEST TO BE HELD AT MILLER ROAD PARK ON AUGUST 23, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, Subsection 1070.02(i)(1) of the Codified Ordinances of the City prohibits the sale of intoxicating liquor in any park, and

WHEREAS, the Avon Lake Athletic Boosters, Inc., have requested to hold a one-day beer fest at Miller Road Park on August 23, 2025, and

WHEREAS, to permit such beer fest to take place, Council must adopt an Ordinance creating a one-time exception to the prohibition of Subsection 1070.02(i)(1) of Avon Lake Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That, notwithstanding the prohibition of Subsection 1070.02(i)(1) of Avon Lake's Codified Ordinances, the Avon Lake Athletic Boosters, Inc., shall have the right to conduct a one-day beer fest at Miller Road Park on August 23, 2025.

Section No. 2: That, provided the necessary State liquor permits are obtained, beer, wine, and hard seltzer-type beverages may be sold, served, distributed, and consumed at such beer fest.

Section No. 3: That this Ordinance shall not in any way modify the prohibition of Subsection 1070.02(i)(1) of Avon Lake's Codified Ordinances against the presence of intoxicating liquor and intoxicated persons at any other park, beach, park building or recreational area (including but not limited to, the Folger Home, Lake House, Peter Miller House Museum, Old Firehouse Community Center, and The Anchor Recreational Facility), nor shall this Ordinance permit wine and beer (or any other intoxicating liquor) to be sold, served, distributed, or consumed at Miller Road Park on any date other than that specifically authorized by Sections 1 and 2 hereof.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to file the necessary paperwork in a timely manner to allow the one-day beer fest to take place in order to promote Avon Lake businesses and bring economic growth to the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

A RESOLUTION APPROVING THE USE OF SUBMERGED LANDS AT 31954 LAKE ROAD AND DECLARING AN EMERGENCY.

WHEREAS, a resident at 31954 Lake Road, in the City of Avon Lake, has requested permission to construct the proposed shore structure in Avon Lake, Lorain County, Ohio; and

WHEREAS, as part of the application to lease submerged lands, the parties involved must submit a resolution from the Avon Lake City Council approving the proposed use of the submerged lands to the Ohio Department of Natural Resources.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the City of Avon Lake finds and determines that the submerged lands to be occupied by the project at 31954 Lake Road are not necessary or required for the construction, maintenance, or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements, and marginal highways in the aid of navigation and water commerce, and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

Section No. 2: That the property owner shall take the necessary precautions to avoid damage to the municipal infrastructure and shall be responsible for reimbursement to the City of any cost necessary to repair damage caused by the construction described in Section No. 1 herein.

Section No. 3: That prior to constructing the project described in Section No. 1 herein, the property owner shall contact the Public Works Department in order that said Public Works Department may inspect the property and municipal infrastructure in the area by videotape, or such other means, to assess the area prior to the project for the purpose of determining if any damage is incurred as a result of the construction of the project referred to herein.

Section No. 4: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution to the Ohio Department of Natural Resources' Office of Real Estate and Land Management.

Section No. 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its

committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 6: That this Resolution is hereby declared to be an emergency measure, the emergency being the necessity of the property owner to begin the approval process and to immediately secure materials to begin the erosion control project to protect the Lake Erie shoreline, thus for the public health, safety, and welfare. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE AMENDING CHAPTER 1018: MUNICIPAL TREE ORDINANCE,
AND CODIFIED ORDINANCE SECTION 1065.99, ENFORCEMENT AND PENALTY.

WHEREAS, the Public Service Committee and the Tree Commission recommended amending Chapter 1018: Municipal Tree Ordinance, and Codified Ordinance Section 1065.99; and

WHEREAS, Council, coming now to consider said recommendations, approves them in full.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Chapter 1018 is hereby amended as follows:

~~MUNICIPAL~~ **CITY** TREE ORDINANCE

§ 1018.01 PURPOSE; TITLE.

(a) The purpose of this chapter is to establish a framework for the development and sustainability of the city's urban forest to maximize the benefits for all residents through the orderly planting, maintaining, care and preservation of trees, shrubs and hedges in the public ways and on all city property.

(b) This chapter shall be known as the Avon Lake ~~Municipal~~ **City** Tree Ordinance.

§ 1018.02 DEFINITIONS.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

ADMINISTRATIVE COMMUNICATION. A written, typed or printed document.

ANSI A300. The Tree Care standards, as amended, that have been developed and promulgated by the American National Standards Institute.

ARBORIST. One who, by possession of a recognized degree, certificate, or professional standing, or by extensive knowledge, training, and experience, has demonstrated the ability to deal with the subject matter.

BOARD CONTROLLED PUBLIC PLACES. All current and future grounds placed under board control by the Charter, such as the Board of Utilities and the Board of Education in the city.

CALIPER. The diameter of a tree trunk six inches above the existing grade or proposed planted grade. This measurement is only used for replacement when using nursery stock trees in this chapter.

CITY. The City of Avon Lake, Lorain County, State of Ohio.

CRITICAL ROOT ZONE. The area inscribed by an imaginary line on the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to 1.5 feet for every one inch of diameter breast height.

Diameter Breast Height (DBH). The diameter of a tree measured at four and one-half feet above the existing grade. This measurement is an industry standard measurement used for existing trees.

EMERGENCY. The immediate necessity for the preservation of public peace, health and safety.

HEDGE. A row of closely planted shrubs or low-growing trees forming a fence or boundary.

International Society of Arboriculture (ISA). The professional organization who governs the accreditation of tree care professionals and adopts standards for arboriculture implementation.

LARGE TREES. Those trees attaining a height of 45 feet or more.

MASTER TREE PLAN. The plan shall specify the species of tree to be planted on each of the streets in the city.

MEDIUM TREES. Those trees attaining a height of 30 to 45 feet.

PARK. All public parks having individual names.

PARK AND STREET TREES DEPARTMENT. The Public Works Department, which is the designated department of the city under whose jurisdiction park and/or street trees fall.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRINCIPAL THOROUGHFARE. Any street upon which trucks are not prohibited.

PRIVATE PROPERTY. All grounds not owned by the city.

PROPERTY LINE. The ~~outer edge of a street or highway~~ border where a property begins and ends.

PROPERTY OWNER. The person owning such property as shown by the County Auditor's Plat of Lorain County, Ohio.

PROTECTED TREE. Any tree in good health having a diameter of eight inches DBH or larger or having an aggregate diameter of twenty inches DBH for multi-stemmed trees. Trees less

than eight inches DBH may be given protected status, if determined to be of high value by the Urban Forester based on species, health, and history.

PUBLIC PLACES. All non-board-controlled grounds owned by the city.

PUBLIC TREES. All shade and ornamental trees now or hereafter growing on a tree lawn or any public place where otherwise indicated.

REMOVE OR REMOVAL. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a tree.

SHRUB. A woody plant of relatively low height, distinguished from a tree by having several stems protruding from the ground.

SMALL TREES. Those attaining a height of 20 to 30 feet.

STREET and HIGHWAY. The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

STREET TREE PROGRAM. Per chapter 12 14, Developers deposit funds during the final plat phase of development into a program to pay for trees planted in tree lawns on public streets.

TOPPING. Topping is the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE. A tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk with multiple branches rather than several stems protruding from the ground.

TREE LAWN. That part of a street or highway, not covered by a sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

TREE MAINTENANCE. The planting, caring for and protection of trees adhering to ANSI A300 standards to reduce the prevalence of issues, including establishment failure and the possible spread of oak wilt, that stems from poor management practices.

TREE PRESERVATION PLAN. A proposal that includes a tree survey of a site, including a construction site or a site where trees may be impacted by temporary equipment, vehicles, or events, and a written plan with text and/or graphic illustrations indicating the methods used to preserve existing trees during construction and/or temporary events, and methods for ongoing maintenance, including replacement, fertilizing, and pruning following ANSI A300 standards. The Tree Preservation Plan shall contain specific penalties for damaging trees designated for protection including replacement definitions and monetary reimbursement.

TREE SELECTION. For residents, city, and contractors registered with the city, that they follow ANSI A300 standards and the Avon Lake Master Street Plan by not planting invasive species as published by the Ohio Department of Natural Resources.

TREE SURVEY. A graphic display drawn to scale by a landscape architect or certified arborist, not to exceed one inch (1") = fifty feet (50'), showing all existing protected trees on the site. The tree survey shall include species, DBH, and contain the outline of the critical root zone of each such tree.

URBAN FORESTER. The Urban Forester of the city, manages and implements the goals of this chapter.

§ 1018.03 URBAN FORESTER.

There is hereby established the position of Urban Forester in and for the city, and the city hereby adopts the Avon Lake Arboricultural Specifications and Standards of Practice.

~~(a) Duties. The Urban Forester shall abide by and have the authority to promulgate rules and regulations under authority of the Avon Lake Arboricultural Specifications and Standards of Practice, which rules and regulations shall govern the planting, maintenance, removal, mulching, fertilization, pruning and bracing of trees on the tree lawns and public places in the city, and the Urban Forester shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any tree lawn or public place in the city. He or she shall cause the provisions of this chapter to be enforced. In his or her absence, these duties shall be the responsibility of a qualified person designated by the city.~~

Duties. The Urban Forester shall abide by and have the authority to promulgate and enforce the rules and regulations of this chapter under authority of the Avon Lake Arboricultural Specifications and Standards of Practice, which shall be based on ANSI A300 standards and in collaboration with the Tree Commission. In the absence of the Urban Forester, these duties shall be the responsibility of a qualified person designated by the City.

(b) Authority.

(1) In general. The Urban Forester shall have the authority and jurisdiction to regulate the planting, maintenance, ~~and removal~~, **removal, mulching, fertilization, pruning and bracing** of trees in tree lawns and public places to ensure safety and preserve the aesthetics of such public sites.

(2) Supervision. The Urban Forester **or a person designated thereby**, shall ~~have the authority and it shall be his or her duty to supervise or inspect~~ all work done under a permit issued in accordance with the terms of this chapter.

(3) Condition of permit. The Urban Forester shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter.

(4) Master ~~street~~ Tree Plan. The Urban Forester shall have the authority to formulate or modify the Master ~~street~~ Tree Plan. ~~The master street tree plan that~~ shall specify the species of tree to be planted on each of the streets in the city with the advice, a hearing, and the approval of the Tree Commission. From and after the effective date of the Master ~~street~~ Tree Plan, or any amendment thereof, all planting shall conform thereto ~~which shall be included as~~ Appendix C of the Avon Lake Arboricultural Specifications and Standards of Practice, ~~contains the Avon Lake master street plan and shall be maintained as tree-related records and reference material, including a street and park tree inventory.~~

A. The Urban Forester shall consider all existing and future utility and environmental factors when recommending a specific species for each of the streets and other public sites of the city.

B. The Urban Forester, with the approval of the Tree Commission, shall have the authority to amend or add to the master street tree plan at any time that circumstances make it advisable. The master street tree plan is to be reviewed and updated every five years. New streets and improved cultivars in trees are to be considered.

C. The Urban Forester shall maintain tree related records and reference material, including a street and park tree inventory.

~~(5) Arboricultural Specifications and Standards of Practice. The Urban Forester or the Tree Commission shall have the authority to modify, amend or extend the Avon Lake Arboricultural Specifications and Standards of Practice, with the approval of the city department heads and the Tree Commission, at any time that experience or technology indicates improved methods or whenever circumstances make it advisable. Council must approve any changes to policy or procedure. Other changes require only notification of Council.~~

§ 1018.031 MASTER TREE PLAN

(a) The Master Tree Plan shall specify the species of tree to be planted on each of the streets in the city. From and after the effective date of the Master Tree Plan, or any amendment thereof, all planting shall conform thereto.

(b) The Master Tree Plan shall take into consideration all existing and future utility and environmental factors when identifying specific species for each of the streets and other public sites of the city.

(c) The Master Tree Plan is to be reviewed and updated every five years. New streets and improved cultivars in trees are to be considered.

(d) No tree shall be planted under electric lines on any of the public streets of the city, which at the estimated full growth will exceed 25 feet in height, or as to interfere with the aforementioned utility lines.

(e) Trees planted on any of the public streets of the city shall be planted no closer than 20 feet apart; no closer than 35 feet from an intersection; no closer than ten feet from all

utility poles, aprons, hydrants, manholes or other utility infrastructure unless specifically approved by the Urban Forester.

(f) Arboricultural Specifications and Standards of Practice. The Urban Forester or the Tree Commission shall have the authority to modify, amend or extend the Avon Lake Arboricultural Specifications and Standards of Practice, with the approval of the city department heads and the Tree Commission, at any time that experience or technology indicates improved methods or whenever circumstances make it advisable. The Council must approve any changes to policy or procedure. Other changes require only notification of Council.

(g) The Tree Commission shall develop and maintain a list, found in the Avon Lake Arboricultural Specifications and Standards of Practice, of desirable and undesirable large, medium, and small trees for planting in tree lawns and public places, which shall be used by the Urban Forester in developing the Master Tree Plan.

§ 1018.04 PLANTING OF TREES, SHRUBS, AND HEDGES; ~~AND/OR REMOVAL OF TREES;~~
PERMIT REQUIRED.

(a) ~~Board-controlled places do not require~~ A permit for planting, pruning, maintenance or removal of trees, shrubs or hedges, ~~but said~~ on Board-**Controlled Property is not required, but said board** must administratively communicate **and receive approval for** all activity ~~to~~ **from** the Urban Forester to preserve current records **and maintain biodiversity**.

(b) Except as provided in ~~division subsection~~ (a) **hereof**, ~~of this section~~, no other person shall plant any tree, shrub or hedge upon any tree lawn or public place **without** ~~unless he or she shall have first obtained~~ **ing** a permit in writing from the Urban Forester specifying the size, type, species and location on the tree lawn or public place so to be planted. Approval to plant requires adherence to the specifications set forth in the Avon Lake Arboricultural Specifications and Standards of Practice.

(c) The Urban Forester shall have the authority to deny a permit ~~to any person who proposes to plant any tree or shrub upon a tree lawn or public place of a size, type or species found to be undesirable by the Urban Forester or found to be undesirable for the location proposed, or he or she may deny a permit to any person who proposes to plant any tree, shrub or hedge upon a tree lawn or public place at a location found by the Urban Forester to be of a size or type unsuitable for planting of trees, shrubs or hedges.~~ **under the following conditions as determined by the Urban Forester or Tree Commission:**

(1) the tree, shrub, or hedge is an undesirable size, type or species.

(2) the tree, shrub, or hedge is undesirable for the location proposed; or

(3) the tree lawn or public place is a size or type unsuitable for planting of trees, shrubs or hedges.

(d) Hereafter, when any tree is planted in a tree lawn or public place and is in conflict with specifications of the **Master-street Tree Plan**, as found in the Avon Lake Arboricultural Specifications and Standards of Practice, it shall be lawful for the city to request tree, shrub, hedge, or stump removal by the property owner within 30 days.

~~(e) The Tree Commission shall develop and maintain a list, found in the Avon Lake Arboricultural Specifications and Standards of Practice, of desirable and undesirable large, medium, and small trees for planting in tree lawns and public places.~~

(f) Trees planted upon a tree lawn or public place may be removed by the city as necessary to protect the public health, safety, welfare and aesthetics. The Urban Forester may cause the removal of any such tree by using city employees or private contractors under contract with the city. Stump grinding and restoration of tree lawn grass shall take place when trees are replaced or removed.

§ 1018.05 REPLACEMENT OF TREES.

Any person or property owner granted permission to remove a tree from tree lawns or public places for the purpose of construction shall replace the removed tree or trees with a species designated on the **Master-street Tree Plan** as part of the city's Street Tree Program. The person or property owner shall bear the cost of replacing all trees removed. Projects initiated by the city shall have the replacement costs included in the project costs. Trees removed by the city or in Board-controlled places are to be replaced **subject to considerations of the location from where the tree was removed**. Replacing trees in the same location is not necessary and sometimes not practical. The city shall only pay for tree replacement when the original tree was part of the city's Street Tree Program funded by the original developer **and within one (1) year of planting**.

§ 1018.06 PRUNING OF TREES.

(a) Every owner of any tree overhanging any public street, sidewalk or right-of-way within the city shall prune the branches of such trees so that the branches will not obstruct or shade any street lights; obstruct the view of traffic signs or street intersection, or obstruct the passage of pedestrians on public sidewalks, **or constitute a menace to the safety of the public**. ~~so that~~ There shall be a clear space of at least 14 feet above the surface of the street or ~~seven~~ **nine** feet above the surface of the public sidewalk **to remove a safety threat**.

(b) The city shall have the right to prune any tree or shrub on private property when it interferes with the light from a street light, the visibility of any traffic control device, sign or intersection, obstructs the passage of pedestrians on public sidewalks, or generally obstructs vehicular, bicycle, or pedestrian traffic **such that it constitutes a menace to the safety of the public**.

(c) **Permit Required**. Pruning of public trees by persons other than the city, persons contracted for by the city, or persons approved by the Urban Forester, requires a permit which identifies each tree being pruned and the type of pruning.

(d) **Topping.** No person, ~~firm or city department~~ shall top any public tree. TOPPING is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Public trees that have been severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Urban Forester.

(e) No oak trees (*Quercus spp.*) or chestnut trees (*Castanea spp.*) shall be cut, trimmed or removed between April 1 through December 1 to prevent the further spread of oak wilt (*Bretziella fagacearum*) unless deemed necessary or hazardous after review by the Urban Forester or an emergency exists affecting public health or safety.

§ 1018.07 PRUNING OR REMOVAL OF TREES ON PRIVATE PROPERTY.

(a) The city shall remove all public trees or portions of such trees which are dead, **damaged**, diseased or dangerous to the life, health or safety of pedestrians, vehicular or bicycle traffic, or public property.

(b) The city shall have the right to cause the removal of any dead, **damaged**, or diseased tree or portions of such trees on private property within the city, when such trees constitute a serious hazard to the safety of the public.

(c) The city shall have the right to cause the removal of any tree or shrub that harbors insects or disease which constitute a potential threat to other trees or shrubs within the city. **Prior to removal**, the Urban Forester ~~or Tree Commission~~ shall notify the owner of any such tree or shrub on private property of the nature of such threat.

(1) Within 30 days after the date of service of the notice to remove tree diseased or infested tree or shrub, the owner shall ~~cause~~ **provide the Urban Forester with a Letter of Intent from an Arborist who is registered with the city for** the removal of such tree or shrub at the owner's sole expense.

(2) Upon the ~~failure of~~ expiration of the time set forth in (1) above, the owner **has failed** to comply with the notice to remove diseased or infested tree or shrub, the city, its employees or agents, may enter upon the **property** to remove the diseased or infested tree or shrub. ~~and bill the property owner for~~ **The actual cost of the work shall be billed to-** ~~which shall become an assessment against the property~~ **owner and become an assessment against the property** until paid.

(d) No oak trees (*Quercus spp.*) or chestnut trees (*Castanea spp.*) shall be trimmed or removed between April 1 through December 1 to prevent the further spread of oak wilt (*Bretziella fagacearum*) unless deemed necessary or hazardous after review by the Urban Forester or his/her designee or an emergency exists affecting public health or safety.

§ 1018.08 ABUSE AND/OR MUTILATION OF PUBLIC TREES.

(a) Unless specifically authorized by the Urban Forester, no person shall intentionally **cause damage to a public tree or to the Critical Root Zone. For purposes of this section, acts causing damage include, but are not limited to:** cut or carve; transplant or graft whether

above or below ground; ~~or remove; any public tree,~~ attach any rope, wire, nail, advertising, poster or other contrivance; ~~to any public tree,~~ allow any gaseous liquor or solid substance which is harmful to such trees to come in contact with them; or set fire to any public tree or permit any fire to burn when such fire or the heat therefrom will **cause injury any portion of any public to the tree;** ~~No person shall pour salt water~~ **or upon any street or abutting land** ~~or a chemical or chemicals upon any street~~ in such a way as to injure any tree planted or growing thereon. ~~The city shall not be restricted in the use of anti-icing materials.~~ **This provision shall not apply to the use of anti-icing materials necessary for the safety of persons upon the streets or sidewalks.**

(b) ~~No person without the written permission of the Urban Forester shall damage, misuse or remove any device placed to protect or maintain such tree within the public rights-of-way or on public property, except in case of immediate necessity for the protection of life or property.~~

(c) ~~No person shall change the natural drainage; excavate any ditches, tunnels, or trenches; or lay any drive within the root protection zone of any tree having all or any portion of its trunk in or upon any public property without obtaining a written approval from the Urban Forester and without strictly complying with the provisions of the issued approval and provisions of this chapter.~~

(d) ~~No person shall attach any electric wire to any tree growing or planted upon public property, including low voltage holiday lighting without the written permission of the Urban Forester. Every person having any wire charged with electricity running through or across a public street shall securely fasten such wire or wires so that they shall not come in contact so as to injure any tree therein, and shall temporarily remove any such wire or the electricity therein when it shall be deemed necessary by the Urban Forester, in order to take down or prune any trees growing in a public street, within 24 hours after the owner of such wire, or his agent, has been served a written notice to remove the wire or the electricity therefrom.~~

1018.09 PROTECTION OF TREES NEAR CONSTRUCTION WORK.

~~(a) All trees measuring 12 inches DBH (diameter at breast height) or less on tree lawns or public places near any excavation, construction of any building or structure, or street work, soil excavation work or root cutting shall not occur closer than three feet from the outer bark of the tree. For trees measuring greater than 12 inches DBH, soil excavation work or root cutting shall not occur closer than a distance equal to the circumference of the tree measured at a height four feet above ground level or six feet, whichever is less.~~

~~(b) Trees shall be guarded with a protective device such as a substantial fence, frame or box not less than four feet high and eight feet square or placed at a distance in feet from the tree equal to the diameter of the trunk in inches, measured at a trunk height of approximately four and one-half inches from the ground, (DBH), whichever is greater, and all building material, dirt or other debris shall be kept outside the barrier. The protective device must be structurally sound and capable of protecting the trees from all expected~~

~~encroachment by debris and machinery associated with said excavation and/or construction.~~

~~—(c) Soil excavation work is permitted closer than the distance parameters established in divisions (a) and (b) of this section provided all excavation of soil is accomplished by hand shovel, air spade or auger, and no roots greater than two inches in diameter are severed.~~

~~—(d) If lateral roots greater than two inches in diameter are encountered, they shall be exposed beyond the excavation limits and an attempt shall be made to bend and relocate the roots without breaking them. If such lateral roots are encountered immediately adjacent to the location of new construction and relocation does not appear practical, the Public Works Director or his or her designee shall be contacted.~~

~~—(e) If, after inspection by the Urban Forester or his or her designee, it is determined that the cutting of roots cannot be avoided, the following standards shall be observed. Roots must be cut sharply and cleanly. The wound shall not be painted or treated. All excavated roots shall be backfilled by hand as soon as possible to prevent drying. If immediate backfilling is not possible, roots shall be covered with peat moss or wet burlap and watered. The tree shall be thoroughly watered by providing the equivalent of one inch of water per week for up to one year at the direction of the Urban Forester or his or her designee.~~

~~—(f) No construction equipment shall be parked and no particulate construction material such as sand, soil or gravel shall be stored on the surface of any unpaved areas within the drip line of any public tree without the express permission of the Urban Forester of his or her designee.~~

~~—(g) If the removal of a public tree cannot be avoided, or if a public tree does not survive due to construction activities, the owner of the facility to be constructed shall obtain a permit as specified in § 1018.04 and shall remove the tree at its expense. Said owner shall also plant, at the owner's sole expense, a replacement tree of a size, type and at a location approved by the Tree Commission.~~

~~—(h) No person shall excavate any ditches, tunnels or trenches or lay any drive within a radius of ten feet from any public tree without first obtaining a written permit therefore from the Urban Forester.~~

(a) Protected Trees near excavation, construction or demolition of any building or structure, or street work, shall be guarded with a highly visible protective barrier such as a substantial fence, frame, or box which shall not be removed unless or until the Urban Forester authorizes its removal.

(b) The Urban Forester shall review the Tree Protection Plan prior to the beginning of construction. The Urban Forester will perform periodic inspections of the construction site to ensure compliance with the Tree Protection Plan and identify tree damage or other violations not previously report to the Urban Forester by the contractor. Construction may be halted until violations are remedied.

(c) The protective device shall be not less than four feet high and no less than 4 feet from the tree or placed at the greater of the following distances:

(1) ten (10) feet;

(2) the drip line that is at the outermost extent of the branches; or

(3) a distance in feet from the tree equal to the circumference of the trunk in inches (e.g., 12-inch circumference equals a 12-foot distance), measured at DBH)

(d) All building material, dirt or other debris shall be kept outside the barrier to protect the critical root zone of the tree(s). The protective ~~device~~ barrier must be structurally sound and capable of protecting the trees from all expected encroachment of debris and machinery associated with said excavation, construction, demolition, or street work to prevent soil compaction or damage to the tree or the critical root zone.

(e) Tree Protection signs shall be visible and placed every twenty feet within the protection areas.

(f) Soil excavation work is permitted closer than the distance parameters established above provided all excavation of soil is accomplished by hand shovel, air spade or auger, and no roots greater than two (2) inches in diameter are severed.

(g) If lateral roots greater than two (2) inches in diameter are encountered, they shall be exposed beyond the excavation limits and an attempt shall be made to bend and relocate the roots without breaking them. If such lateral roots are encountered immediately adjacent to the location of new construction and relocation does not appear practical, the Urban Forester or designee shall be consulted.

(h) If, after inspection by the Urban Forester or designee, it is determined that the cutting of roots cannot be avoided, the following standards shall be observed:

(1) Roots must be cut sharply and cleanly.

(2) The wound shall not be painted or treated.

(3) All excavated roots shall be backfilled by hand as soon as possible to prevent drying. If immediate backfilling is not possible, roots shall be covered with peat moss or wet burlap and watered.

(4) The tree shall be thoroughly watered by providing the equivalent of one (1) inch of water per week for up to one year at the direction of the Urban Forester or designee.

(i) No construction equipment shall be parked and no particulate construction material such as sand, soil or gravel shall be stored on the surface of any unpaved areas within the drip line of any public tree without the express permission of the Urban Forester or designee.

(j) No storage of chemicals, materials, supplies, construction debris or waste is allowed within the area of the protective barriers.

(k) No fuel storage or washing down concrete or cement handling equipment is permitted on the site. Machinery refueling and maintenance will occur off site.

(l) All grade changes must receive a Grading Permit from the Public Works Department with the approval of the Urban Forester prior to the start of the project to reduce construction activity damage to trees.

(m) If it becomes necessary to cut or prune roots outside the root protection zone during construction, all cuts will be clean cuts perpendicular to the natural growth direction. Roots must be backfilled within an hour of cutting followed by watering of the tree within 24 hours with the equivalent of one inch of rain distributed over the root protection zone.

(n) Any tree pruning needed prior to or during construction to prevent construction related tree damage or equipment clearance must be supervised by an ISA Certified Arborist following ANSI A300 standards.

(o) The Urban Forester shall review the Tree Preservation Plan and contractor performance during daily construction meetings. Enforcement, penalties and mitigation regarding breach of the Tree Preservation Plan should be discussed, understood and captured in construction documents. Any tree damage or injuries should be reported to the Urban Forester as soon as possible.

(p) If the removal of a public tree cannot be avoided, or if a public tree does not survive due to construction activities, the owner of the facility to be constructed shall obtain a permit as specified in Section 1018.08 and shall remove the tree at the owner's expense. Said owner shall also plant, at the owner's sole expense, a replacement tree of a size, type and at a location approved by the Urban Forester.

(q) No person shall excavate any ditches, tunnels or trenches or lay any drive within a distance in feet from the tree trunk equal to 1.5 times the diameter of the trunk in inches, measured at DBH or the radius of ten feet whichever is greater from any public tree without first obtaining a written permit from the Urban Forester.

§ 1018.10 PLACING OF MATERIAL INJURIOUS TO TREES ON PUBLIC PROPERTY.

No person shall deposit, place, store or maintain upon any public place of the city, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the Urban Forester.

§ 1018.11 NOTICED TO CORRECT; SERVICE; NONCOMPLIANCE; REMEDY OF CITY.

The person or property owner shall be provided with written notice of desired action.

(a) Should any person or persons owning real property bordering on a tree lawn or public place fail to maintain trees as provided in this chapter, the Urban Forester shall order such person or persons, within 30 days after receipt of written notice, to comply with the requested maintenance **within 30 days after receipt of written notice.**

(b) The order provided herein shall be served by certified mail at the last known address of the property owner. **If the delivery of the certified mail shall fail for any reason, service of the notice required herein shall be deemed effective upon posting said notice in a conspicuous location upon the property.**

(c) When a person to whom an order is directed shall fail to respond or comply within the specified time, it shall be lawful for the city to perform requested maintenance and assess the property owner for the cost of services rendered.

§ 1018.12 EMERGENCIES.

In the case of officially declared emergencies, such as windstorms, ice storms or other disasters, the provisions of this chapter shall be waived **to the minimal extent possible** so that said provisions will in no way hinder public and/or private work to restore order in the city. Such work shall follow maintenance standards as outlined by the Urban Forester.

Necessary emergency activity for repair of underground utilities to assure landowner services does not require a permit. Any emergency activity which results in damaging, pruning or removal of trees, shrubs, hedges, or other vegetation in a tree lawn or public place must be administratively communicated to the Urban Forester **as soon as practicable.**

§ 1018.13 INTERFERENCE WITH URBAN FORESTER OR AGENT.

No person shall hinder, prevent, delay or interfere with the Urban Forester or their designated representative or agent while such person is engaged in carrying out the provisions of this chapter, provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city.

§ 1018.99 ENFORCEMENT AND PENALTY.

(a) The Urban Forester or designee may issue citation to any person who fails to comply with the provisions of this chapter or who otherwise fails to comply with any legal directive issued by the Urban Forester or designee in furtherance of the requirements of this chapter.

(b) Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined ~~not more than \$100~~ **up to three times market rate value of the former tree and \$1,000** for each offense. A separate offense shall be deemed committed for each seven days of continued violation or noncompliance.

Section No. 2: That Codified Ordinance Section 1065.99 is hereby amended as follows:

1065.99 ENFORCEMENT AND PENALTY.

(a) The Urban Forester, as defined in § ~~1018.03~~, or **Public Works Director or other persons having jurisdiction hereof**, ~~Urban Forester's designee~~ may issue citations to any person who fails to comply with the provisions of this chapter.

(b) Whoever violates any of the provisions of this chapter is ~~guilty of a minor misdemeanor and shall be fined not more than \$100~~ **\$1,000** for each offense **and shall be liable for a mitigation fee equal to or up to three times the market value of the damaged or destroyed tree to be deposited into the Avon Lake Tree Fund**. A separate offense shall be deemed committed for ~~each~~ **every** seven days of continued violation or noncompliance.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

1st reading:

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE APPROVING A VACATION FOR PORTIONS OF THE ELECTRIC BOULEVARD RIGHT-OF-WAY AND DECLARING AN EMERGENCY.

WHEREAS, Anthony Calabrese and Kimberly Calabrese have petitioned the City for a vacation of portions of the Electric Boulevard right-of-way adjacent to properties owned by Anthony Calabrese and Kimberly Calabrese and Smugglers Cove Condominium Complex No. 4; and

WHEREAS, the Planning Commission did consider said petition at its meeting of July 2, 2025, and recommended that said vacation should be granted; and

WHEREAS, this Council is satisfied that there is good cause for the vacation as prayed for and that such will not be detrimental to the general interest, safety, and welfare of the public, and that said vacation should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the vacation of portions of the Electric Boulevard right-of-way adjacent to properties owned by Anthony Calabrese and Kimberly Calabrese and Smugglers Cove Condominium Complex No. 4 is hereby vacated. (Exhibit A)

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of allowing the City to finalize a contract for the sale of the property. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

10' Underground
Easement Description

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 feet wide) and Electric Boulevard (60 feet wide);

Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon;

Thence, North 17 degrees 27'25" West a distance of 20.00 feet to a point being the Principal Place of Beginning;

Thence, South 72 degrees 32'35" West a distance of 151.93 feet to a point;

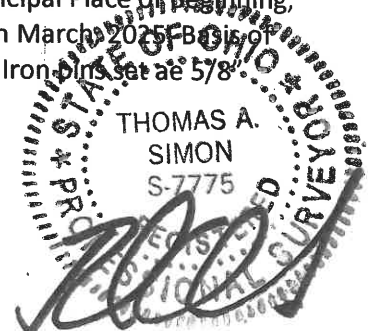
Thence, South 17 degrees 27'25" East a distance of 50.00 feet to a point on the Northerly line of Smugglers Cove Condominium Complex No. 4 as recorded in Plat Volume 29 Page 58 of Lorain County Map Records;

Thence, South 72 degrees 32'35" West a distance of 10.00 feet along said Northerly line of Smugglers Cove Condominium Complex No. 4, to a point thereon;

Thence, North 17 degrees 27'25" West a distance of 60.00 feet to a point on the Westerly prolongation of the Northerly line of said Electric Boulevard;

Thence, North 72 degrees 32'35" East a distance of 161.93 feet along said Westerly prolongation of the Northerly line of said Electric Boulevard, to an iron pin set;

Thence South 17 degrees 27'25" East a distance of 10.00 feet to the Principal Place of Beginning, as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West). Iron pins set at 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

Boundary Description
Parcel No. 1
Area to be Vacated
0.1505 Acres

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 fee wide) and Electric Boulevard (60 feet wide);

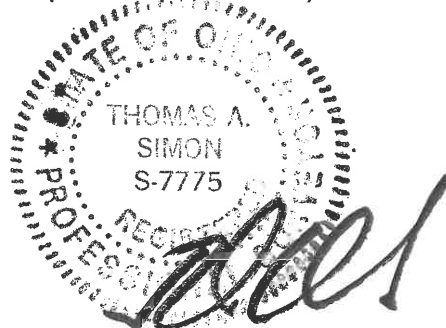
Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon, being the Principal Place of Beginning;

Thence continuing South 72 degrees 32'35" West a distance of 223.00 feet along the centerline of Electric Boulevard, to a 5/8" iron pin found set thereon, being a point on the Easterly line of 216 Miller Road, LLC by deed recorded in document no. 20200753951 of Lorain County Recorder's Records on March 23, 2020;

Thence, North 00 degrees 52'06" West a distance of 31.30 feet along the Easterly line of said land conveyed to 216 Miller Road, LLC, to an iron pin set thereon, being a point on the Northerly line of said Electric Boulevard;

Thence, North 72 degrees 32'35" East a distance of 214.06 feet along the Northerly line of Electric Boulevard, to an iron pin set thereon;

Thence, South 17 degrees 27'25" East a distance of 30.00 feet to the Principal Place of Beginning, containing 0.1505 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West), Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".



THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
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Tasimon@windstream.net

April 28, 2025
Job No. 2025-012

Boundary Description
Parcel No. 2
Area to be Vacated
0.1567 Acres

Situated in the City of Avon Lake, County of Lorain, in the State of Ohio and being known as part of Original Avon Township Section No. 6, and being further bounded and described as follows:

Beginning at a mag nail set at the intersection of the centerlines of Miller Road (60 fee wide) and Electric Boulevard (60 feet wide);

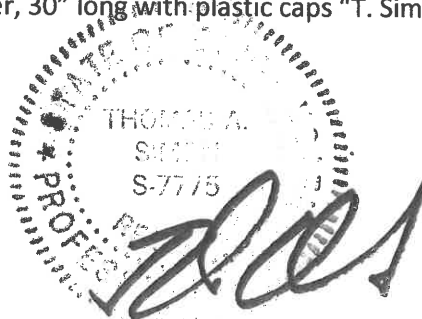
Thence, South 72 degrees 32'35" West a distance of 482.45 feet along the centerline of said Electric Boulevard, to an iron pin set thereon, being the Principal Place of Beginning;

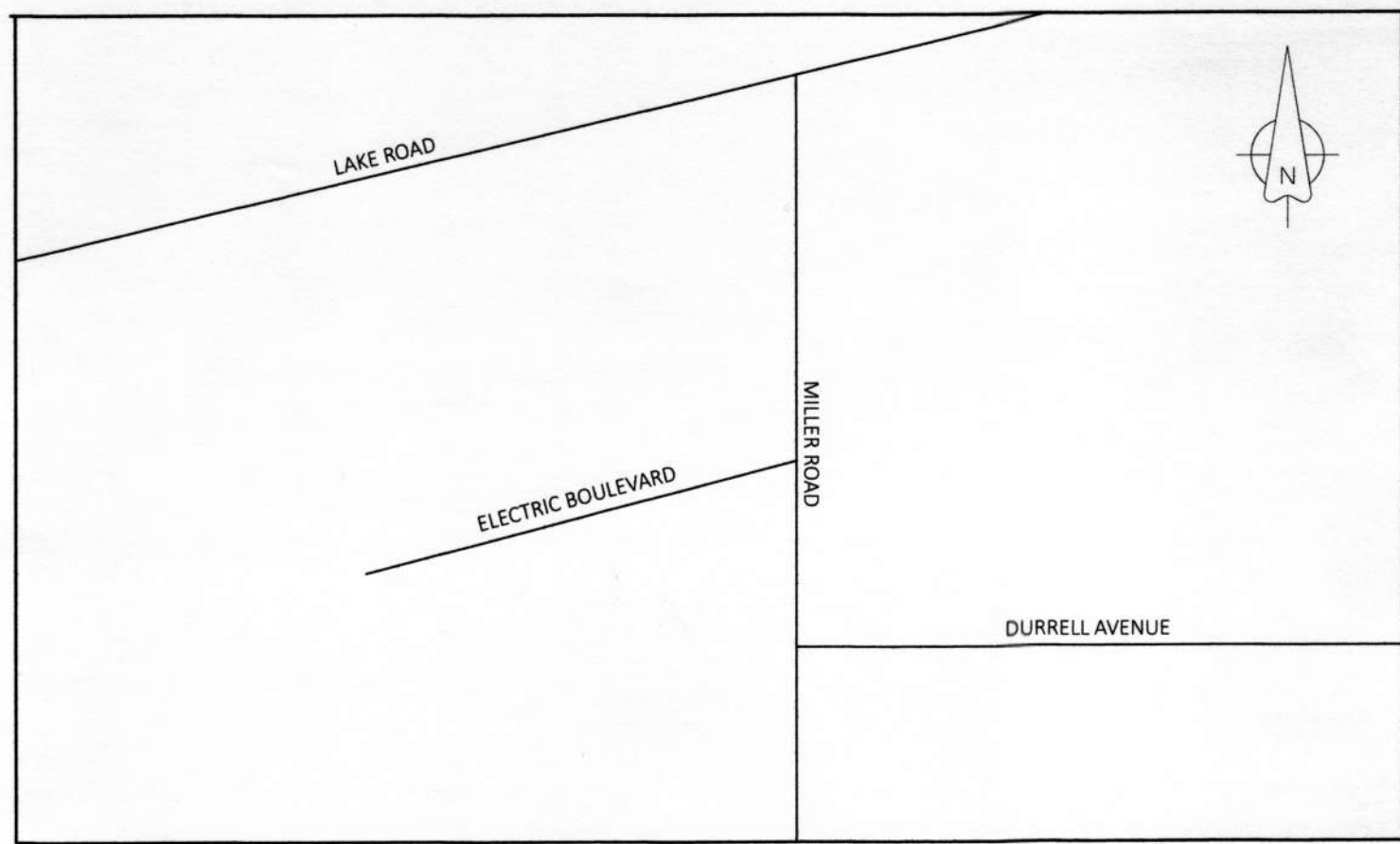
Thence continuing South 72 degrees 32'35" West a distance of 223.00 feet along the centerline of Electric Boulevard, to a 5/8" iron pin found set thereon, being a point on the Easterly line of 216 Miller Road, LLC by deed recorded in document no. 20200753951 of Lorain County Recorder's Records on March 23, 2020;

Thence, South 00 degrees 52'06" East a distance of 31.30 feet along the Easterly line of said land conveyed to 216 Miller Road, LLC, to an iron pin set thereon, being a point on the Southerly line of said Electric Boulevard also the Northerly line of land conveyed to Smugglers Cove Condominium Complex No. 4 as recorded in Plat Volume 29 Page 58 of Lorain County Map Records;

Thence, North 72 degrees 32'35" East a distance of 231.93 feet along said Electric Boulevard and the Northerly line of land conveyed to Smugglers Cove Condominium Complex No. 4, to an iron pin set thereon;

Thence, North 17 degrees 27'25" West a distance of 30.00 feet to the Principal Place of Beginning, containing 0.1567 Acres as surveyed by Thomas A. Simon, Registered Professional Surveyor No. S-7775 in March, 2025. Basis of bearings is the centerline of Electric Boulevard (South 72 degrees 32'35" West), Iron pins set are 5/8" diameter, 30" long with plastic caps "T. Simon, S-7775".





VICINITY MAP
N.T.S.

LEGEND

- MONUMENT BOX
- IRON PIN/PIPE FOUND
- IRON PIN SET
- REC. RECORD
- C/L CENTERLINE

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LANDS SHOWN ON THIS PLAT, THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND THE VACATION THEREOF. DIMENSIONS SHOWN ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. ALL BEARINGS ARE TO AN ASSUMED MERIDIAN AND ARE USED TO DESCRIBE ANGLES ONLY. PERMANENT MONUMENTS WERE FOUND OR SET AS INDICATED HEREON, ALL OF WHICH I CERTIFY TO CORRECT.

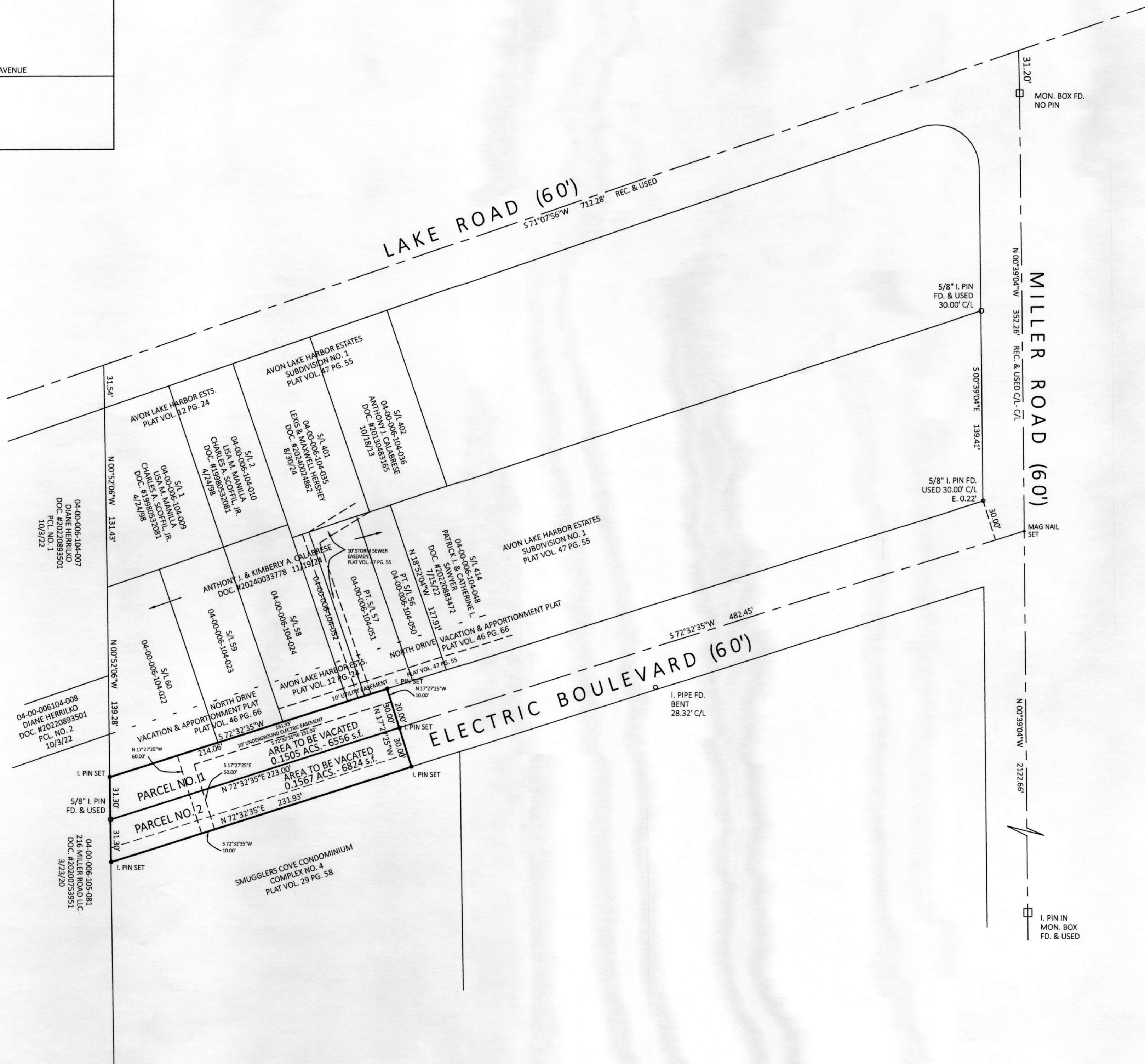
Thomas A. Simon 5/19/25
THOMAS A. SIMON, REGISTERED
PROFESSIONAL SURVEYOR NO. S-7775



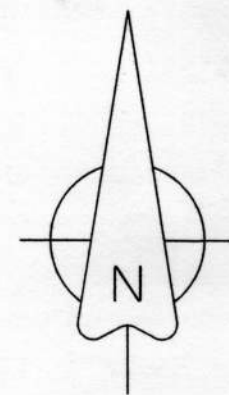
BASIS OF BEARINGS IS THE CENTERLINE OF ELECTRIC BOULEVARD (SOUTH 72°32'35" WEST). IRON PINS SET ARE 3/4" DIAMETER, 30" LONG WITH PLASTIC CAPS "T. SIMON, S-7775".

THOMAS SIMON & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

150 SOUTH OLIVE STREET
ELYRIA, OHIO 44035
(440) 327-2925
TASIMON@WINDSTREAM.NET



0 50 100 150



ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION PLAT OF ELECTRIC BOULEVARD AND FIND THE BOUNDARIES OF THE VACATED LANDS TO BE SUFFICIENTLY DEFINED.

DATE: _____
CITY OF AVON LAKE, ENGINEER

PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE ON THE _____ DAY OF _____, 2025.

DATE: _____
PLANNING COMMISSION SECRETARY

CITY COUNCIL

THIS IS TO CERTIFY THAT THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD HAS BEEN ACCEPTED FOR VACATION BY THE COUNCIL OF THE CITY OF AVON LAKE BY ORDINANCE NO. _____, PASSED THE _____ DAY OF _____, 2025.

DATE: _____
VALERIE ROSMARIN, MMC
CLERK OF COUNCIL

LAW DIRECTOR

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION PLAT OF A PORTION OF ELECTRIC BOULEVARD AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE.

DATE: _____
GARY EBERT, LAW DIRECTOR
CITY OF AVON LAKE

VACATION PLAT
OF A PORTION OF
ELECTRIC BOULEVARD

BEING KNOWN AS PART OF
ORIGINAL AVON TOWNSHIP
SECTION NO. 6

CITY OF AVON LAKE COUNTY OF LORAIN
STATE OF OHIO

MARCH, 2025 SCALE: 1" = 50'

AN ORDINANCE APPROVING A VACATION FOR A PORTION OF THE SHIELDS AVENUE AND ELECTRIC BOULEVARD RIGHTS-OF-WAY AND DECLARING AN EMERGENCY.

WHEREAS, Avon Lake Regional Water has petitioned the City for a vacation of portions of the Shields Avenue and Electric Boulevard rights-of-way for operational purposes; and

WHEREAS, the Planning Commission did consider said petition at its meeting of July 2, 2025, and recommended that said vacation should be granted; and

WHEREAS, this Council is satisfied that there is good cause for the vacation as prayed for and that such will not be detrimental to the general interest, safety, and welfare of the public, and that said vacation should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the vacation of portions of the Shields Avenue and Electric Boulevard rights-of-way is hereby vacated. (Exhibit A)

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees, which resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of allowing the City to finalize a contract for the sale of the property. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading:

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor



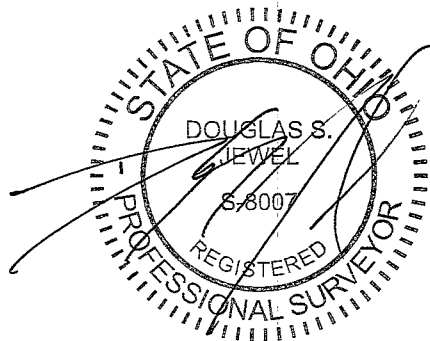
Cunningham & Associates, Inc.

Civil Engineering & Surveying
203 W. Liberty St., Medina, Oh 44256
Phone: (330) 725-5980 * Fax (330) 725-8019

Legal Description for Sublot 3
Project No. 25-104
May 15, 2025

Situated in the City of Avon Lake, County of Lorain, State of Ohio and being known the whole of Sublot 3, as shown by plat for Avon Lake Regional Water Administration Subdivision No. 3 as recorded in Instrument Number 2025-_____ (Plat Volume ____, Page ____)
of the Lorain County Recorder's Records, containing 4.5176 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in May 2025.





Cunningham & Associates, Inc.

Civil Engineering & Surveying

203 W. Liberty St., Medina, Oh 44256

Phone: (330) 725-5980 * Fax (330) 725-8019

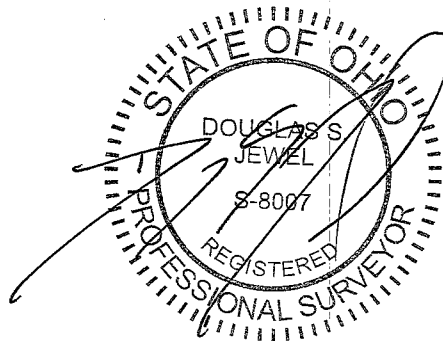
Legal Description for Sublot 4

Project No. 25-104

May 15, 2025

Situated in the City of Avon Lake, County of Lorain, State of Ohio and being known the whole of Sublot 4, as shown by plat for Avon Lake Regional Water Administration Subdivision No. 3 as recorded in Instrument Number 2025-_____ (Plat Volume ____, Page ____)
of the Lorain County Recorder's Records, containing 31.9928 Acres of land, more or less but subject to all legal highways and all covenants and agreements of record.

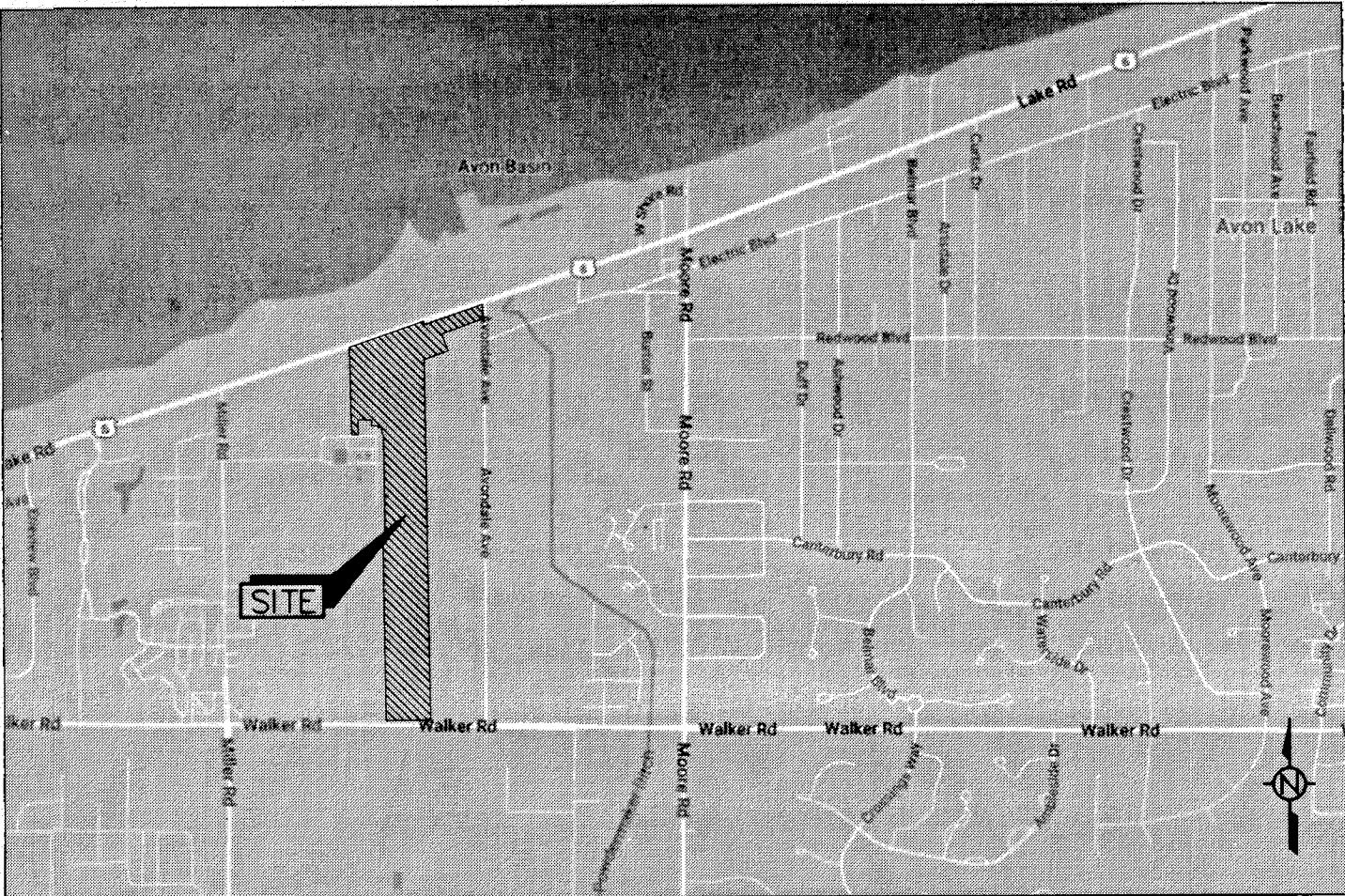
This legal description was prepared based on a survey by and/or under the supervision of Douglas S. Jewel P.S. # S-8007 by Cunningham & Associates, Inc. in May 2025.



AVON LAKE REGIONAL WATER
ADMINISTRATION SUBDIVISION NO. 3

BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6

PLANS PREPARED BY:
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 (330) 725-5980



LOCATION MAP

ACCEPTANCE:

KNOW ALL MEN BY THESE PRESENTS, THAT WE THE UNDERSIGNED, OWNER OF THE LANDS AND LANDS ADJACENT TO THE VACATED RIGHTS-OF-WAYS DESCRIBED HEREIN, DO HEREBY ASSENT TO AND ADOPT THE VACATION AND CONSOLIDATION OF THE SAME, ACKNOWLEDGE THAT THE SAME WAS MADE AT OUR REQUEST AND AUTHORIZE ITS RECORDING.

CITY OF AVON LAKE

MARK SPAETZEL, MAYOR _____ DATE _____

VALERIE ROSMARIN, CLERK OF COUNCIL _____ DATE _____

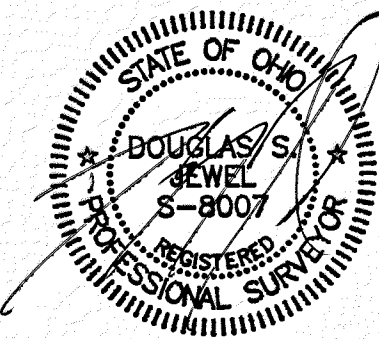
COUNTY _____)
STATE OF OHIO) S.S.

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED MARK SPAETZEL, MAYOR AND VALERIE ROSMARIN, CLERK OF COUNCIL WHO ACKNOWLEDGED THE MAKING OF THE FOREGOING INSTRUMENT AND THE SIGNING OF THIS PLAT TO BE OUR OWN FREE ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF _____, 2025.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

ACREAGE

SUBLOT 3	4.5176 Ac.
SUBLOT 4	31.9928 Ac.
TOTAL	36.5104 Ac.



CERTIFICATION:

I HEREBY CERTIFY THIS DRAWING TO BE OF A SURVEY MADE BY ME AND/OR UNDER MY DIRECT SUPERVISION AND TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE REFERENCED TO AN ASSUMED MERIDIAN AND ARE USED TO INDICATE ANGLES ONLY.

PS. #8007 15 MAY 2025
DOUGLAS S. JEWEL, OHIO PROFESSIONAL SURVEYOR S-8007 DATE

ENGINEER'S CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS VACATION AND CONSOLIDATION PLAT.

CITY ENGINEER _____

DATE _____

APPROVALS:

THIS IS TO CERTIFY THAT THIS VACATION AND CONSOLIDATION PLAT IN AVON LAKE HARBOR ESTATES HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE ON THIS _____ DAY OF _____, 2025.

PLANNING COMMISSION SECRETARY _____

DATE _____

LAW DIRECTOR:

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS VACATION AND CONSOLIDATION PLAT AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES ON THE CITY OF AVON LAKE, OHIO.

CITY OF AVON LAKE LAW DIRECTOR _____

DATE _____

CITY COUNCIL:

THIS IS TO CERTIFY THAT THIS VACATION AND CONSOLIDATION PLAT HAS BEEN APPROVED AND THAT PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD AS SHOWN HEREON HAS BEEN ACCEPTED FOR VACATION BY THE COUNCIL OF AVON LAKE, OHIO BY

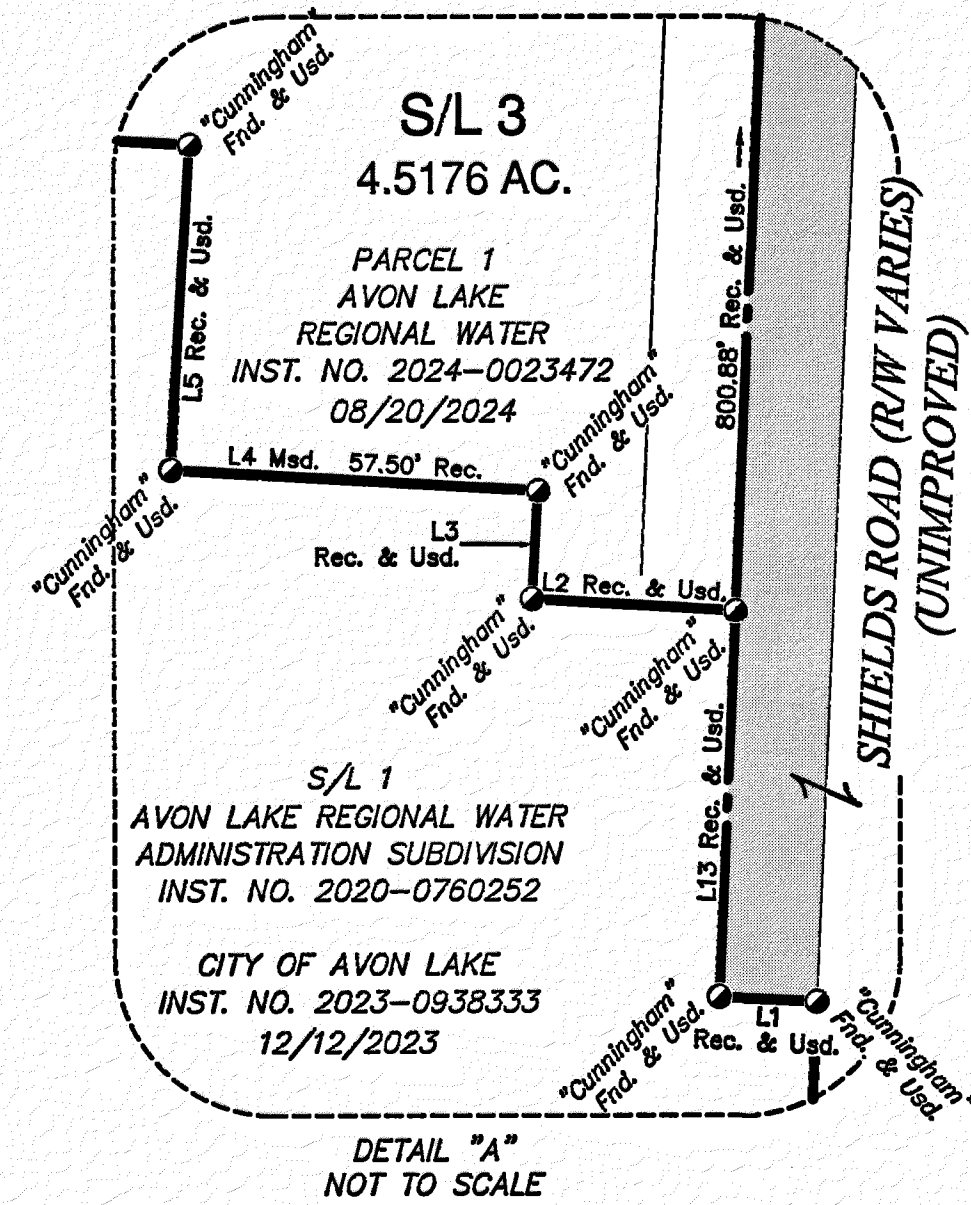
ORDINANCE NO. _____ PASSED THIS _____ DAY OF _____, 2025.

CLERK OF COUNCIL _____

DATE _____

AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

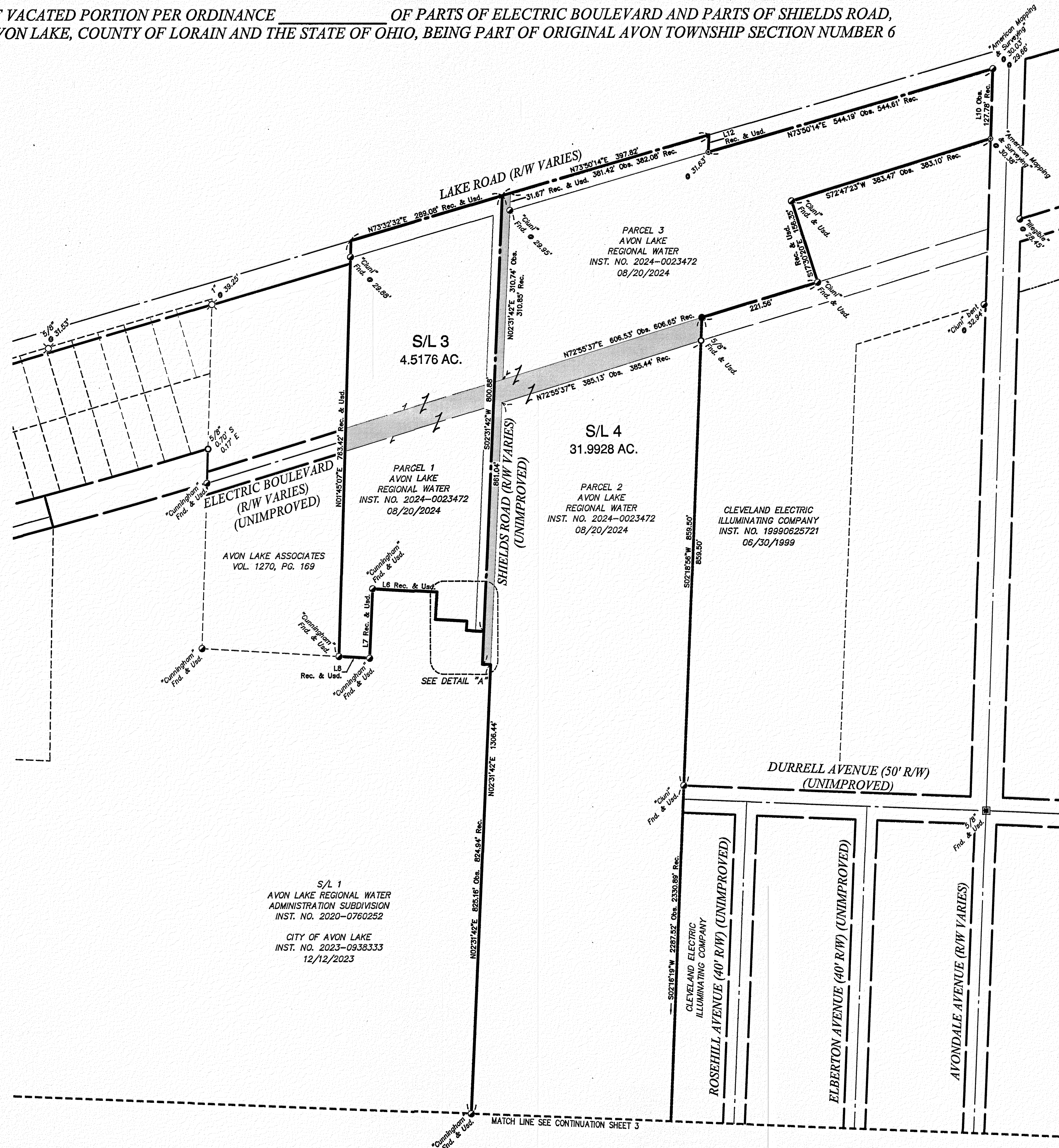
BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6



Line Table		
Line #	Direction	Length
L1	N87°28'18"W	15.15
L2	N86°40'45"W	32.00
L3	N03°33'25"E	16.83
L4	N86°40'29"W	57.57
L5	N03°19'15"E	50.61
L6	N86°40'43"W	117.52
L7	S02°31'39"W	127.61
L8	N86°40'45"W	56.95
L9	S87°34'27"E	15.00
L10	S01°52'15"W	127.68
L11	N02°25'33"E	124.27
L12	S02°20'04"W	31.63
L13	N02°31'42"E	60.16



Scale: 1" = 100'
BEARINGS ARE TO AN ASSUMED MERIDIAN
AND ARE USED TO DENOTE ANGLES ONLY.



REFERENCE:
LORAIN COUNTY ENGINEER'S SURVEY RECORDS
43391 36040
40029 21143
39195

LORAIN COUNTY RECORDER'S RECORDS
AVON LAKE REGIONAL WATER ADMINISTRATION
SUBDIVISION 2020-0760252 (PLAT VOL. 108, PG. 05)
AUDITOR'S REVISED PLAT OF SUBLOTS 196-201, 255-260
IN AVON LAKE HARBOR ESTATES SUBDIVISION
PLAT VOL. 80, PG. 31
AVON LAKE HARBOR ESTATE
PLAT VOLUME 12, PAGE 24
AVON LAKE REGIONAL WATER ADMINISTRATION NO. 2
2025-

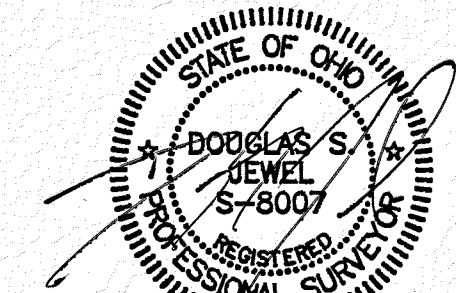
DEEDS AS LISTED HEREON

LEGEND:

Fnd. - FOUND
Msd. - MEASURED
Obs. - OBSERVED
Rec. - RECORD
Utd. - USED
Calc. - CALCULATED

● - 5/8" IRON PIN FND. W/CAP
● - 5/8" IRON PIN SET W/CAP STAMPED CUNNINGHAM
○ - IRON PIN FND. (NO CAP)
■ - MONUMENT BOX W/ IRON PIN FND.
X - IRON PIPE FND.
⊙ - MAG NAIL FND.

— RIGHT-OF-WAY TO BE VACATED



AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

LOCATED IN
COUNTY OF LORAIN
STATE OF OHIO

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING AND SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

DRAWN BY: SG
DATE: 05/15/2025
CHECKED BY: DSJ
DATE: 05/15/2025
PROJECT No.
25-104
ACAD FILE No.
25-104_PLAT_01
SCALE: 1"=100'

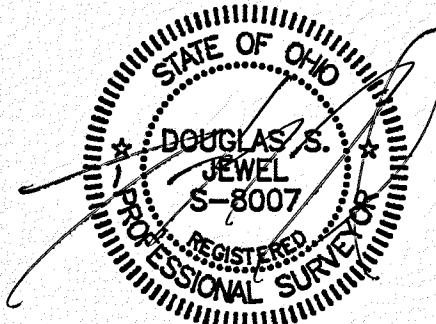
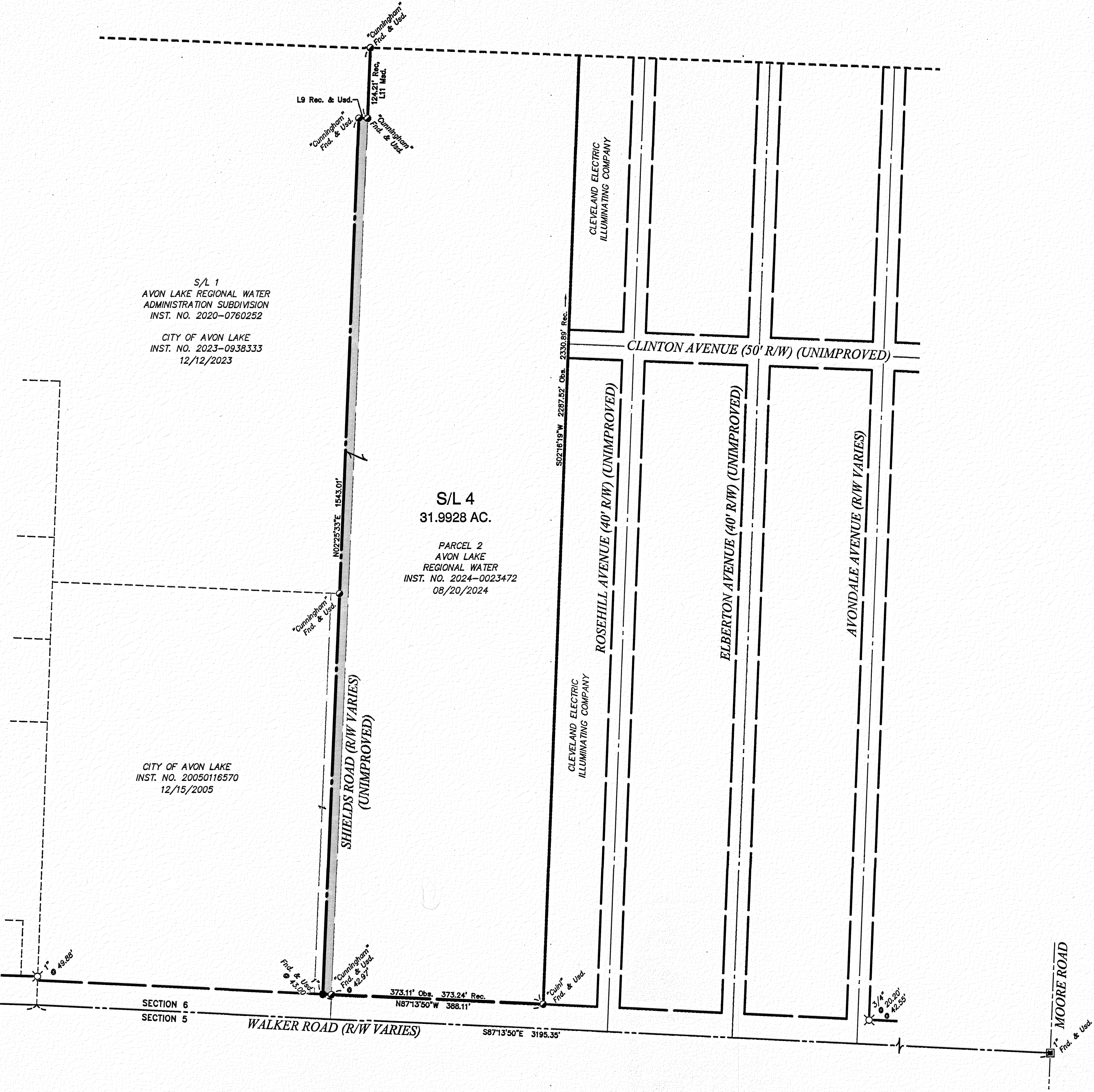
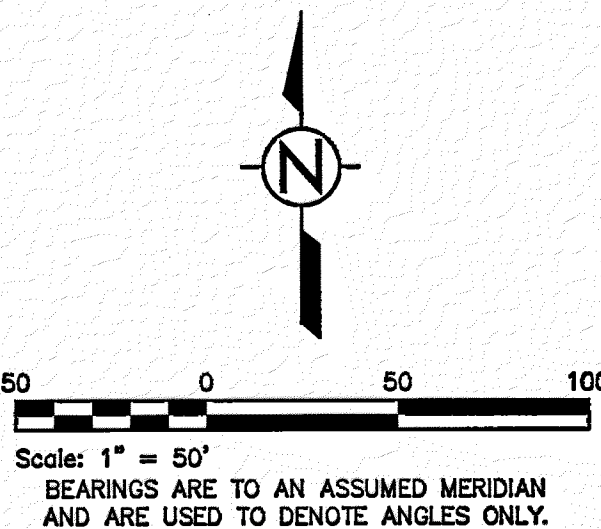
SHEET NO.

2
3

AVON LAKE REGIONAL WATER
ADMINISTRATION SUBDIVISION NO. 3

BEING A RE-SUBDIVISION OF VACATED PORTION PER ORDINANCE _____ OF PARTS OF ELECTRIC BOULEVARD AND PARTS OF SHIELDS ROAD,
SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND THE STATE OF OHIO, BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 6

- LEGEND:
- Fnd. - FOUND
 - Msd. - MEASURED
 - Obs. - OBSERVED
 - Rec. - RECORD
 - Usd. - USED
 - Calc. - CALCULATED
 - - 5/8" IRON PIN FND. W/CAP
 - - 5/8" IRON PIN SET W/CAP STAMPED CUNNINGHAM
 - - IRON PIN FND. (NO CAP)
 - - MONUMENT BOX W/ IRON PIN FND.
 - ⊗ - IRON PIPE FND.
 - ⊙ - MAG NAIL FND.
 - RIGHT-OF-WAY TO BE VACATED



AVON LAKE REGIONAL WATER ADMINISTRATION SUBDIVISION NO. 3

LOCATED IN
COUNTY OF LORAIN
STATE OF OHIO
CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA, OHIO 44256 330-725-5980

DRAWN BY: SG
DATE: 05/15/2025
CHECKED BY: DSJ
DATE: 05/15/2025
PROJECT No.
25-104
ACAD FILE No.
25-104_PLAT_01
SCALE: 1"=100'

SHEET NO.
3 / 3

AN ORDINANCE AWARDING A CONTRACT FOR THE WALKER ROAD PAVING PROJECT, PHASE 5, AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with the direction of Council, the City Engineer has prepared plans and specifications for the Walker Road Paving Project, Phase 5, which have been and are now on file in the Public Works Department; and

WHEREAS, further in accordance with the direction of Council, the City Engineer has caused notice to be given, as provided by law, inviting bids for construction of said improvements; bids having been received, opened, and tabulated, as provided by law; and

WHEREAS, Council, coming now to consider said bids, has determined that the bid submitted by Gerken Paving, Inc., DBA Precision Paving, Inc., of Milan, Ohio, is the lowest and best responsive bid, after advertising in accordance with law, and is acceptable to this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Gerken Paving, Inc., DBA Precision Paving, Inc., of Milan, Ohio, (hereafter referred to as "Contractor") for the Walker Road Paving Project, Phase 5, for the City, in accordance with the plans and specifications, be, and the same is hereby awarded to said Contractor in accordance with said plans and specifications and bid received. The total amount of said contract is in the sum of \$2,089,403.31 with an Alternate 1 bid of \$72,179.50.

Section No. 2: That the Contractor shall furnish their good and sufficient performance bond in the amount of \$2,089,403.31 with an Alternate 1 bid of \$72,179.50 to the satisfaction of the Finance Director and approved as to form by the Law Director, conditioned to insure faithful performance of the contract thereby awarded and completion of the work free and clear of all claims and encumbrances.

Section No. 3: That the Contractor shall deposit and keep in force and effect on file with said Finance Director memoranda of policies of insurance in the amounts and under the conditions set forth in the specifications of the contract documents.

Section No. 4: That upon receipt by the Finance Director of the certificate of the City Engineer that the construction has been completed to the full satisfaction and in accordance with the plans and specifications, the Finance Director shall be authorized and directed to issue to said Contractor the warrants of the City in payment therefore the amount of money determined by said Public Works Department to be

due to said Contractor under the contract thereby awarded to them and to cause said warrants to be paid.

Section No. 5: That the Mayor shall be and is hereby authorized and directed to sign and execute the contract hereby awarded.

Section No. 6: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of resurfacing Walker Road to provide safe travel on this busy road, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor