



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

WORK SESSION
Council Chamber
September 15, 2025
7 p.m.

PUBLIC INPUT: *Members of the audience shall be permitted to speak only once, up to five minutes, on Work Session topic. [Code of Ordinance, Section 220.21(c)(1)]*

BOARDS AND COMMISSIONS STRUCTURE REVIEW AD HOC COMMITTEE REPORT

Larry Sanson, Chair
Kammer Hermann and Dale Slivinski, Members

On June 23, 2025, Council established the Boards and Commissions Structure Review Ad Hoc Committee and tasked it with conducting a comprehensive review of the City's existing procedures for appointing members to boards and commissions, including the timing of term expirations. The Committee's mandate was to develop recommendations that promote a more balanced distribution of appointments between the Mayor and Council and to improve term overlaps that strengthen continuity and preserve institutional knowledge.

Boards and Commissions Structure Review Ad Hoc Committee

September 15, 2025



OVERVIEW

Committee Members:

Larry Sansom – Chair
Kamber Herrmann
Dale Slivinski

Committee Purpose:

- Evaluate the City's current appointment procedures and term end dates for all boards and commissions.
- Develop recommendations for a more balanced structure between Mayoral and Council appointments and improve term overlaps that maintain continuity and institutional knowledge.



Process Steps:

- Committee met on seven (7) occasions to:
 - Review ordinances seeking to establish best practices relative to:
 - Board/Commission size,
 - Structure,
 - Term duration/appointment schedule and approval process, and
 - Language consistency.



Process Steps, Continued:

- Committee developed a questionnaire and sent it to each Board/Commission seeking input on:
 - Board/Commission size,
 - Structure, and
 - Term duration/appointment schedule.
- Received two (2) written responses via email:
 - Community Relations Board, Karla Fitch, and
 - Zoning Board of Appeals, Jim Shook.
- Committee conducted a meeting with current Boards/Commissions groups to gain input on:
 - Board/Commission size,
 - Structure, and
 - Term duration/appointment schedule.



Process Steps, Continued:

- There were ten (10) Board/Commission participants representing:
 - Avon Lake Historical Preservation Commission,
 - Environmental Affairs Advisory Board,
 - Parks and Recreation Commission,
 - Tree Commission, and
 - Zoning Board of Appeals.
- Mayor Mark Spaetzel was in attendance.



Lessons Learned:

- Each Board/Commission should have an odd number of voting members.
- Consensus that terms should be staggered.
- It is a sound practice to have varied representation within each Board/Commission.
- Limited awareness by the public on Board/Commission openings.
- Inconsistent process for new and renewal appointments.
- Awareness gaps on when each board member's term expires.
- Accountability gaps for some board members and a lack of "authority" to remedy any issues.
- Desire of Boards/Commissions to have recurring collective meetings to share best practices.



Lessons Learned, Continued:

- Inconsistent language within ordinances defining staggered terms.
- Inconsistent voting rights for Council members within the Boards/Commissions.
- Term durations vary.
- Though there is a roster of each Board/Commission defining expiration, clarity/awareness can be improved.
- Inconsistent and non-balanced appointment authorities.



Recommendations for Consideration:

- Eliminate the Income Tax Board, as it is no longer needed.
- Review each Board/Commission to ensure an odd number of voting rights.
- Structure terms for each Board/Commission to ensure that there is less than 50% turnover at the end of each term.
- Each ordinance should have language establishing the requirement for staggered terms.
- Each ordinance should define the responsibility of the membership and provide authority and direction for the Board/Commission to recommend removal of a member who does not fulfill their responsibility.
- Each ordinance should have language defining the appointment and confirmation process.
- Only appointed and confirmed members of Board/Commission should have voting rights.



Recommendations for Consideration, Continued:

- Clarify and improve visibility on when Board/Commission members' terms are expiring.
- Establish a consistent process for filling Board/Commission seats, including:
 - Formal confirmation to the current seat holder three (3) to six (6) months in advance of term expiration.
 - Public announcement of upcoming openings three (3) to six (6) months in advance.
 - Formal and consistent application process for candidates seeking renewal and/or first-time members (no automatic renewals).
 - Formal orientation for new appointments for transition effectiveness and a sound understanding of roles and responsibilities.
- Elimination of voting rights for Council Members within each Board/Commission.
- Zoning Board of Appeals should include language in the code about mandatory attendance at the hearings of the Law Director, or designee, and the Community Development Director, or designee.
- Equitable appointment responsibility between Mayor and Council for each Board/Commission.



Questions/Comments



2025 CITY OF AVON LAKE BOARDS-COMMISSIONS ROSTER

COMMUNITY RELATIONS BOARD - 7 MEMBERS			CHAPTER 280 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets quarterly or as requested by chair. No chair currently.
Karla Fitch	12/31/2026	Council	Resident Member appointed for staggered 3-year term
Sam Hemoud	12/31/2026	Council	Resident Member appointed for staggered 3-year term
VACANCY		Mayoral	Non-Resident Business Member appointed for staggered 3-year term
Gary Ebert		Cod. Ord.	Member - NOT Ex-Officio
Beth Krosse		Cod. Ord.	Member - NOT Ex-Officio
Geoff Smith		Cod. Ord.	Member - NOT Ex-Officio
Lynn Kernya		Cod. Ord.	Member - NOT Ex-Officio

COMMUNICATIONS AND TECHNOLOGY COMMISSION 5 VOTING MEMBERS & 3 NON-VOTING MEMBERS			CHAPTER 278 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets not less than 6 times a year
David A. Updegraff, Chair	12/31/2027	Council	Resident Member appointed - NOT staggered - 3-year term
Weldon Rice	12/31/2027	Council	Resident Member appointed - NOT staggered - 3-year term
Kate Matos	12/31/2025	Mayoral	Resident Member appointed - NOT staggered - 3-year term
Chip Minnich	12/31/2027	Mayoral	Resident Member appointed - NOT staggered - 3-year term
Tim Schulz	12/31/2027	Mayoral	Resident Member appointed - NOT staggered - 3-year term
Rob Shahmir	12/31/2025	Cod. Ord.	Non-Voting Advisory Member - NOT Ex-Officio - 3-year term
VACANCY		Not Identified	Non-Voting Advisory Member - NOT Ex-Officio - 3-year term
VACANCY		Not Identified	Non-Voting Advisory Member - NOT Ex-Officio - 3-year term

2025 CITY OF AVON LAKE BOARDS-COMMISSIONS ROSTER

ENVIRONMENTAL AFFAIRS ADVISORY BOARD (EAAB) 14 VOTING MEMBERS UP TO 6 SHALL BE EMPLOYEES OR INDUSTRIAL REPS			CHAPTER 284 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets quarterly or as requested by chair. No chair currently.
Rita George	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Kayla Goodwin	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Eric Kreig	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Martin Matuszek	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Amy Oliver	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Marty Patton	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Jon Portzeba	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Terry Robison*	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Terry Wyrock	12/31/2025	Council	Resident Member appointed - NOT staggered - 2-year term
Avient™		Council	Industry Member NOT Appointed - NOT staggered - 2-year term
Ford Motor Company		Council	Industry Member Appointed** - NOT staggered - 2-year term
Lubrizol		Council	Industry Member NOT Appointed - NOT staggered - 2-year term
Vestolit		Council	Industry Member NOT Appointed - NOT staggered - 2-year term
VACANCY		Council	Resident or Industry Member Voting Member
CERP Representative	12/31/2025	Cod. Ord.	Non-Voting Ex-Officio Member
Mayor	12/31/2027	Cod. Ord.	Non-Voting Ex-Officio Member
Public Works Director		Cod. Ord.	Non-Voting Ex-Officio Member
Finance Director or Designee		Cod. Ord.	Non-Voting Ex-Officio Member - Serves as Secretary

*Tree Commission requires one member to serve on EAAB. Terry Robison qualifies for that designation.

**Appointed in 2009 but never re-appointed

2025 CITY OF AVON LAKE BOARDS-COMMISSIONS ROSTER

AVON LAKE HISTORICAL PRESERVATION COMMISSION 5 VOTING MEMBERS & 2 NON-VOTING MEMBERS			CHAPTER 272 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets at least 6 times a year. Must be qualified elector .
Bobbe Rudge, Chair	12/31/2025	Council	Resident Member appointed for staggered 2-year term
Sandy Garrett	12/31/2025	Mayoral	Resident Member appointed for staggered 2-year term
Cheryl Lister	12/31/2026	Mayoral	Resident Member appointed for staggered 2-year term
Diane Deasy	12/31/2026	Council	Resident Member appointed for staggered 2-year term
Thomas Tyler	12/31/2025	Council	Resident Member appointed for staggered 2-year term
Bob Haas	12/31/2025	Planning	Non-Voting Member - NOT Ex-Officio - staggered 2-year term
David Kos	12/31/2025	Cod. Ord.	Non-Voting Member - NOT Ex-Officio - staggered 2-year term

PARKS AND RECREATION COMMISSION 5 VOTING MEMBERS & 4 EX-OFFICIO MEMBERS			CHAPTER 286 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets minimum of 5 times per year. Registered and qualified elector .
Lynette Brausch, Chair	12/31/2027	Mayoral	Resident Member appointed - NOT staggered - 3-year term - 1/ward
Kara Erdmann	12/31/2025	Mayoral	Resident Member appointed - NOT staggered - 3-year term - 1/ward
Stacy Jantz	12/31/2025	Mayoral	Resident Member appointed - NOT staggered - 3-year term - 1/ward
Richard Mack	12/31/2026	Mayoral	Resident Member appointed - NOT staggered - 3-year term - 1/ward
Brooke Potrzeba	12/31/2027	Mayoral	Resident Member appointed - NOT staggered - 3-year term - 1/ward
Rob Shahmir	12/31/2025	Mayoral	Ex-Officio - NOT non-voting Ex-Officio - 1 year-term** unless reappointed
Amanda Ortiz Byrnes		Cod. Ord.	Ex-Officio - NOT non-voting Ex-Officio - 1 year-term** unless reappointed
Erin Fach		Cod. Ord.	Ex-Officio - NOT non-voting Ex-Officio - NO term.
Dale Krzynowek		Parks and Rec Commission	Ex-Officio - NOT non-voting Ex-Officio - 1 year-term** unless reappointed

2025 CITY OF AVON LAKE BOARDS-COMMISSIONS ROSTER

TREE COMMISSION - 7 VOTING MEMBERS			CHAPTER 288 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets minimum of 6 times per year. Registered and qualified elector for 2 years.
Terry Robison, Chair	12/31/2025	Mayoral	Resident Member appointed for staggered 3-year term
Amanda Ortiz Byrnes	12/31/2027	Mayoral	Resident Member appointed for staggered 3-year term
Katie Downie	12/31/2027	Mayoral	Resident Member appointed for staggered 3-year term
Sue Newcomb	12/31/2025	Mayoral	Resident Member appointed for staggered 3-year term
Kim Currie	12/31/2026	Mayoral	Resident Member appointed for staggered 3-year term
Jennifer Fenderbosch	12/31/2025	Cod. Ord.	Voting Member
VACANCY		Cod. Ord.	Voting Member

ZONING BOARD OF APPEALS - 5 MEMBERS			CODIFIED ORDINANCE SECTION 1212.04 NOTES
MEMBER	TERM EXP.	APPOINTEE	Meets as needed.
James L. Shook, Chair	12/31/2026	Mayoral	Resident Member appointed for staggered 5-year term
Andrew Renacci	12/31/2028	Council	Resident Member appointed for staggered 5-year term
Nicole Slivinski	12/31/2025	Council	Resident Member appointed for staggered 5-year term
David A. Updegraff	12/31/2027	Council	Resident Member appointed for staggered 5-year term
John Kilgore	12/31/2029	Mayoral	Resident Member appointed for staggered 5-year term

2. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

“Ex officio” is a Latin term meaning “by virtue of office or position.” Ex-officio members of boards and committees, therefore, are persons who are members by virtue of some other office or position that they hold. For example, if the bylaws of an organization provide for a Committee on Finance consisting of the treasurer and three other members appointed by the president, the treasurer is said to be an ex-officio member of the finance committee, since he or she is automatically a member of that committee by virtue of the fact that he or she holds the office of treasurer.

Without exception, ex-officio members of boards and committees have exactly the same rights and privileges as do all other members, including, of course, the right to vote. There are, however, two instances in which ex-officio members are not counted in determining the number required for a quorum or in determining whether or not a quorum is present. These two instances are:

1. In the case of the president, whenever the bylaws provide that the president shall be an ex-officio member of all committees (or of all committees with certain stated exceptions); and
2. When the ex-officio member of the board or committee is neither an ex-officio *officer* of the board or committee nor a member, employee, or elected or appointed officer of the society (for example, when the governor of a state is made ex officio a member of a private college board).

Again, however, it should be emphasized that in these instances the ex-officio member still has all of the rights and privileges of membership, including the right to vote. [RONR (12th ed.) 49:8–9, 50:16.]

**CODIFIED ORDINANCE CHAPTER 280:
COMMUNITY RELATIONS BOARD**

§ 280.01 ESTABLISHMENT AND PURPOSE.

There is hereby established the Community Relations Board to form and maintain positive relationships between residents, businesses, organizations, and other institutions.

§ 280.02 MEMBERSHIP, TERM, AND COMPENSATION.

(a) The Community Relations Board shall consist of **seven members** comprised of the following:

- (1) Law Director;
- (2) Finance Director;
- (3) Human Resources Director;
- (4) Chairperson of the Human Resources Committee of Council; and
- (5) Three community members, of which:

A. Two members shall be residents of the city for at least **two years and appointed by Council;**
and

B. One nonresident member of the business community, who shall be appointed by the Mayor.

(b) The community members shall be appointed for **staggered** terms of **three years each.**

§ 280.03 POWERS AND DUTIES.

(a) The Community Relations Board will work with the residents, businesses, organizations, faith-based institutions, and Building and/or Community Development Departments to promote and enforce fair housing and ADA objectives, initiatives, and laws.

(b) The Community Relations Board shall promote amicable relations among racial, cultural, and other groups within the community; take appropriate steps to deal with conditions which strain relationships; aid in the coordination of the activities of private organizations concerned with these relationships; assemble, analyze, and disseminate authentic and factual data relating to interracial and other intergroup relationships.

(c) The Community Relations Board shall have the power to publish and distribute at public expense such factual material as it shall deem necessary or desirable to promote the goals of the Board.

§ 280.04 MEETINGS AND ORGANIZATION.

(a) The Community Relations Board shall select its own Chairperson, make its own rules and regulations, and keep a record of its proceedings. In the absence of any rule upon the matter of business, the Board shall be governed by *Robert's Rules of Order*. A majority of the members shall be a quorum for the transaction of business.

(b) The Community Relations Board shall meet on a quarterly basis or as requested by its Chairperson. Minutes of Board meetings shall be forwarded to the Mayor and members of Council.

(c) For matters of state and federal funding, the Finance Director is hereby appointed to serve as Fair Housing Officer, Equal Opportunity Officer, and Compliance Officer.

**CODIFIED ORDINANCE CHAPTER 278:
COMMUNICATIONS AND TECHNOLOGY COMMISSION**

§ 278.01 ESTABLISHMENT AND PURPOSE.

There is hereby established in and for the city a citizens' advisory commission entitled the Communications and Technology Commission to manage Avon Lake Community Television, the City of Avon Lake website, the City of Avon Lake's social media presence and outreach, the digital communications with and among city departments and the community, branding, and marketing of the City of Avon Lake and its programs, and to advise and make recommendations to Council on the various areas of technology utilized by the city.

§ 278.02 MEMBERSHIP, TERM AND COMPOSITION.

(a) The Commission shall consist of **eight members**, comprised of the following for terms of **three- year terms**.

(1) Five voting members shall not be employed by, nor have any financial interest in, the broadcasting, cable communications, or telephone business.

(2) Three members shall be appointed by the Mayor and confirmed by Council.

(3) Two members shall be appointed by Council.

(b) In addition to the voting members, there shall be **three non-voting, advisory members**.

(1) One member shall be from the Communications, Environmental and Recreational Programming Committee.

(2) One member shall be a representative from the Avon Lake School System or Board of Education.

(3) One member may be a nonresident of the city who possesses sufficient qualifications to perform the duties imposed herein.

(c) As far as is practicable, appointments to the Communications and Technology Commission shall include individuals having expertise or experience in such areas as:

(1) Law focusing on FCC regulations, copyright and internet regulations;

(2) Technology relating to media communications;

(3) Marketing and social media;

(4) Education and non-profit;

(5) Consumer affairs relating to cable access and Internet communications; and

(6) Historic understanding of Avon Lake and ALC-TV.

(d) Any vacancy occurring during the term of any voting member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

(e) The members of the Communications and Technology Commission shall serve without compensation. With prior approval by Council, any expense incurred by the Board or the members thereof in the performance of their duties shall be paid from the municipal treasury.

§ 278.03 POWERS AND DUTIES.

The Communications and Technology Commission shall have the following duties and responsibilities:

- (a) To advise Council regarding general policy relating to the operation and uses of the Avon Lake Community Television with a view toward maximizing the diversity of programs and services to subscribers and users and provide access to government services and communications;
- (b) To encourage the use of access channels among the widest range of institutions, groups and individuals within the city, including for governmental transparency, community events and programs and education;
- (c) To encourage cooperation with schools, museums, and other institutions located in the city or in neighboring communities with a view toward utilizing the facilities located therein to enrich the quality and diversity of access channel programming for the system;
- (d) To advise Council of changes in the state-of-the-art technology and the applicability of the same to access channel programming for the system;
- (e) To review budgets and recommend expenditures as appropriate; and
- (f) To submit an annual report to Council, including, but not limited to, a summary of the utilization of access channels, a review of any plans submitted during the year by the Communications and Technology Director for the development of new services, and a summary report of Commission deliberations throughout the year in connection with its assigned functions.

§ 278.04 RULES AND REGULATIONS.

The Communications and Technology Commission shall have the authority to submit proposed rules and regulations for the conduct of its business to Council for approval and, upon approval, shall have the right to hold hearings and make recommendations to the Communications and Technology Director and to the educational and governmental communities on the coordination of the education and governmental access channels. All such actions shall be advisory only.

§ 278.05 MEETINGS AND ORGANIZATIONS.

- (a) The Communications and Technology Commission shall meet no less than six times every year. All meetings of the Commission shall be open to the public. Copies of meeting minutes shall be forwarded to the Clerk of Council, members of Council and the Mayor.
- (b) There shall be a Secretary employed by the city who shall publish an agenda and serve notification of meetings, attend meetings of the Communications and Technology Commission, take minutes of the meetings and publish these minutes, and perform such follow-through and research as are required by the Commission.
- (c) A Chairperson shall be designated by a majority vote of the Communications and Technology Commission members to serve until the expiration of that member's term. At the first meeting following the expiration of a Chairperson's term, the Commission shall appoint a new Chairperson to serve for the entirety of that member's term.

**CODIFIED ORDINANCE CHAPTER 284:
ENVIRONMENTAL AFFAIRS ADVISORY BOARD (EAAB)**

§ 284.01 ESTABLISHMENT AND PURPOSE.

There is hereby established an advisory board to be known as the Environmental Affairs Advisory Board with its purposes to include the following:

(a) To study and advise courses of action which the Communications, Environmental and Recreational Programming Committee of Council may take to formulate and promote general and broad codes of land, air and water management for the city; and

(b) To study and investigate other environmentally related concerns and issues of importance to the Council and residents of the city and to report its findings and make appropriate recommendations to residents of the city and Council at the regularly scheduled meetings of the Board.

§ 284.02 MEMBERSHIP, TERM AND COMPOSITION.

(a) The Environmental Affairs Advisory Board shall consist of 14 voting members to be appointed by Council for terms of two years each.

(1) Up to six members of the Environmental Affairs Advisory Board shall be employees or representatives of industrial concerns located within the city who shall be selected because of their knowledge, technical capability, or interest in matters relating to air and/or water management and for their ability to competently represent both their own industry and industry in general, which is located in the community. The industrial members need not be residents of the city.

(2) The other members of the Environmental Affairs Advisory Board shall be resident members who are not employees of industrial concerns located in the city. The resident members shall hold no other elective office in the city administration while serving on the Board and shall be selected for their knowledge, technical ability, or genuine interest in matters related to air and/or water management in the city.

(b) In addition to voting members, the Public Works Director, the Mayor, Finance Director (or designee) and one member of the Communications, Environmental and Recreational Programming Committee shall serve as ex officio members of the Environmental Affairs Advisory Board without voting powers.

(c) The members of the Environmental Affairs Advisory Board shall serve without compensation. With prior approval by Council, any expense incurred by the Board or the members thereof in the performance of their duties shall be paid from the city treasury.

§ 284.03 POWERS AND DUTIES.

The Environmental Affairs Advisory Board shall seek, as its general goals:

(a) To create and foster a positive, responsible, cooperative, and continuous effort among businesses and residents of the city;

(b) To educate the Council and residents of the city on important environmental issues;

(c) To establish and make appropriate recommendations to Council through the use of subject matter experts on land, air, and water management programs; and

(d) To investigate every reasonable means available to it to inform and educate its members relative to the problems and possible solutions of land, water, and air pollution and management in communities of similar size to the city.

§ 248.04 MEETINGS AND ORGANIZATION.

(a) The Environmental Affairs Advisory Board shall **select its own Chairperson** to make its own rules and regulations and keep a record of its proceedings. In the absence of any rule upon the matter of business, the Board shall be governed by *Robert's Rules of Order*. A majority of the members shall be a quorum for the transaction of business.

(b) The **Finance Director (or designee) shall serve as Secretary** to the Environmental Affairs Advisory Board.

(c) The Environmental Affairs Advisory Board shall meet on a quarterly basis or more frequently as requested by its Chairperson. Minutes of Board meetings shall be forwarded to the Mayor and members of Council.

**CODIFIED ORDINANCE CHAPTER 272:
AVON LAKE HISTORICAL PRESERVATION COMMISSION**

§ 272.01 ESTABLISHMENT AND PURPOSE.

The Avon Lake Historical Preservation Commission is hereby established to safeguard the architectural integrity of historic sites, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value in the interest of the health, prosperity, safety, and welfare of the residents of the City of Avon Lake.

§ 272.02 MEMBERSHIP, TERM AND COMPENSATION.

(a) *Membership.* The Avon Lake Historical Preservation Commission shall consist of **seven members**, comprised of the following:

- (1) Three voting members shall be appointed by Council;
- (2) Two voting members shall be appointed by the Mayor;
- (3) One non-voting member shall be appointed by the Avon Lake Planning Commission to serve as its liaison to the Avon Lake Historical Preservation Commission; and
- (4) One non-voting member appointed from the members of the Council to serve as its liaison to the Avon Lake Historical Preservation Commission.

(b) *Qualifications.*

(1) Appointed members of the Avon Lake Historical Preservation Commission **shall be residents and qualified electors** of the city who shall represent the diverse, geographic makeup of the community.

(2) Whenever possible, voting members shall have demonstrated a special interest, experience, or knowledge of history, architecture, architectural history, archaeology, interior design (with a specialization in historic preservation), planning, or a related discipline.

(c) *Terms of office.* Each member of the Avon Lake Historical Preservation Commission shall serve **two years with staggered** terms, half of which shall be appointed each year. Each member is eligible for reappointment without limitation on the number of consecutive appointments.

(1) Vacancies on the Avon Lake Historical Preservation Commission shall be filled for the remainder of the unexpired term in the same manner that the position was originally filled.

(2) The Chairperson will notify the Clerk of Council when a vacancy exists.

(3) Any vacancy shall be filled within 60 days, unless extenuating circumstances require a longer period.

(d) *Compensation.* Members of the Avon Lake Historical Preservation Commission shall serve without compensation. With the prior approval of Council, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

§ 272.03 POWERS AND DUTIES.

The Avon Lake Historical Preservation Commission's duties and authority shall include, but not be limited to, the following:

(a) Approve or deny an application for a certificate of appropriateness regarding any change, demolition, construction, preservation, restoration, reconstruction and rehabilitation of any

structure or property within its jurisdiction. Such approval shall be required in addition to all other permits applicable to the property;

(b) Make recommendations to the Public Service Committee and Planning Commission regarding amendments to this chapter and with respect to other legislation affecting historic districts or landmarks;

(c) Establish the procedures for evaluating applications for certificates of appropriateness. Such information shall be written and published and made available to the public within three months after the members have been appointed and may be revised from time to time;

(d) Conduct or cause to be conducted a continuing survey of cultural resources in the community, according to the guidelines established by the Ohio Historic Preservation Office;

(e) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources;

(f) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

(g) Conduct or encourage members to attend educational sessions at least once a year or an in-depth consultation with the Ohio Historic Preservation Office pertaining to the work and functions of the ALHPC or on specific historic preservation issues;

(h) Educate property owners/applicants on the benefits and possible limitations of their property being declared historic;

(i) Maintain a system for the survey and inventory of historic properties; and

(j) Review applications for designation as a historic landmark or historic district according to the procedures and criteria in this chapter.

§ 272.04 MEETINGS AND ORGANIZATION.

(a) *Meetings.* The Avon Lake Historical Preservation Commission shall meet at least six times per year, which shall be held at regular intervals, advertised in advance, and held in a public place.

(b) *Quorum.* A majority of the membership of the Avon Lake Historical Preservation Commission shall constitute a quorum for the transaction of business. A majority of a quorum shall be required to approve any action.

(c) *Election of Chairperson and Secretary.* At the first meeting in January, the Avon Lake Historical Preservation Commission shall elect a Chairperson and recording Secretary by a majority vote of the members.

(d) *Avon Lake Historical Preservation Commission Chairperson.* Duties shall consist of preparing the agenda for each meeting, determining the time, place, and frequency of meetings and ensuring that all meetings comply with the requirements of Ohio's Open Meeting Laws, R.C. §§ 121.22 et seq.

(e) *Avon Lake Historical Preservation Commission Recording Secretary.* Duties shall consist of:

(1) Taking and maintaining complete files containing all applications granted or denied and written minutes of all meetings which shall be available for public inspection; and

(2) Preparing a written annual report of the Avon Lake Historical Preservation Commission's activities, cases, decisions, special projects and the like to be submitted to the Community Development Director, Planning Commission and Council.

**CODIFIED ORDINANCE CHAPTER 286:
PARKS AND RECREATION COMMISSION**

§ 286.01 ESTABLISHMENT AND PURPOSE.

There is hereby established a Parks and Recreation Commission to function in an advisory capacity to Council, the Mayor and the Recreation Director on all matters affecting city-owned parks, in addition to recreation policies and programs for the city. The Commission shall serve as an agency to develop and recommend a program of recreation policy for the community, working with the Recreation Director to administer the program.

§ 286.02 MEMBERSHIP, TERM AND COMPENSATION.

(a) The Parks and Recreation Commission shall consist of **nine members**, comprised of the following:

(1) Five voting members shall be residents of the city appointed by the Mayor for a term of three years each, **with the advice and consent of the Council, with at least one member appointed from each ward**. Each resident member shall be registered and qualified electors of the city who hold no other elective or appointive office or position in the city administration; and

(2) **Four ex officio members comprised of one member of Council**, selected by the Mayor; one member of the Board of Education, selected by the Parks and Recreation Commission; one member of the Tree Commission; and the Recreation Director. Other than the Recreation Director, the **ex officio members shall serve terms of one year each unless reappointed**.

(b) The members of the Parks and Recreation Commission shall serve without compensation. With prior approval by Council, any expense incurred by the Commission or the members thereof in the performance of their duties shall be paid from the city treasury.

§ 286.03 POWERS AND DUTIES.

(a) *Generally.* The Parks and Recreation Commission shall recommend rules, regulations and policies governing all public parks and all facilities and appurtenances for the protection of the public and proper use of the parks, except otherwise provided by the Council. In addition to its other duties and jurisdiction and for the promotion of the health, safety, and enjoyment of the public, the Parks and Recreation Commission shall recommend all needed rules and regulations for the maintenance of order, safety and decency in all public parks and public grounds used for park purposes.

(b) *No power to acquire or deed land.* The Parks and Recreation Commission may make recommendations for acquisition and donations of real property used for park purposes but shall have no power to acquire or dispose of real property.

(c) *Improvements.* The Parks and Recreation Commission may make recommendations for improvements to all parks and grounds used for park purposes.

§ 286.04 MEETINGS AND ORGANIZATION.

(a) The Parks and Recreation Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business.

(b) There shall be a minimum of five meetings per year held on the fourth Wednesday of the scheduled month. Work sessions may be called at the discretion of the Commission Chairperson and/or the Recreation Director.

(c) At its first meeting of the calendar year, the Parks and Recreation Commission shall elect a Chairperson and a Vice-Chairperson, to serve terms of one year each.

(d) The Recreation Director shall serve as the Clerk of the Parks and Recreation Commission.

(e) Minutes of meetings shall be recorded and kept on file in the Recreation Director's office. Copies shall be filed with Park and Recreation Commission members, the Mayor and Council.

CODIFIED ORDINANCE CHAPTER 288: TREE COMMISSION

§ 288.01 ESTABLISHMENT; PURPOSE AND DUTIES.

(a) *Establishment.* There is hereby established in and for the city a Tree Commission to foster a community that is committed to the sustainable management of the urban forest.

(b) *Goals and objectives.*

(1) Promote the health and safety of the existing urban tree population and achieve a fully stocked, healthy, and resilient urban forest by providing recommendations for tree planting on public lands, in rights-of-way, and in subdivisions, per the Planning and Zoning Code;

(2) Educate Avon Lake's citizens, employees, and volunteers about the need for a sustainable urban forest and the value and importance of maintaining and improving the urban forest;

(3) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment; and

(4) Provide advice regarding arboricultural and urban forestry best management practices.

§ 288.02 MEMBERSHIP; TERMS OF OFFICE; COMPENSATION.

(a) *Membership.* The Tree Commission shall consist of **seven voting members** to be comprised of the following: the Urban Forester; **one member of Council** (who serves as the Chairperson of the Public Service Committee); and five persons, who for the previous **two years have been registered, qualified electors** of the city, who shall be appointed by the Mayor with the approval of Council.

(b) *Term of office.* The five appointed citizen members of the Tree Commission shall each serve three-year terms, provided however that the upon approval and adoption of this chapter, the first term of the five appointed members shall be staggered with two members serving for one year, one two members serving for two years, and the third member serving for three years. Should a vacancy occur during the term of any member, a successor shall be appointed by the Mayor with the approval of Council for the unexpired portion of such term.

(c) *Compensation and reimbursement.* Members of the Tree Commission shall serve without compensation but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the functions of the Commission, including recommended continuing education opportunities provided through the Ohio Department of Natural Resources, Division of Forestry, and other qualified providers, or as approved by the Urban Forester.

(d) *Removal.* Any Commission member who misses three consecutive meetings or more than 50% of the regular meetings on an annual basis may be removed from the Tree Commission by a majority vote of the other Commissioners.

§ 288.03 POWERS AND DUTIES.

(a) The Tree Commission shall have the power to study, investigate, plan, advise, report and recommend to Council, the Urban Forester, the Planning Commission or the Mayor any action, program, plan, or legislation which the Commission shall find or determine to be necessary or advisable:

(1) Promote the health and safety of all trees in the urban forest on the public lands through the care, preservation, trimming, planting, replanting, maintaining, protecting, prompting, removal or disposition of trees and shrubs in public ways, curb strips, streets, alleys, and all city property;

(2) Achieve a fully stocked, healthy, and resilient urban forest by identifying and recommending trees and other plants desirable for planting in public spaces and on private property to ensure the public safety and welfare, promote diversity of native species of trees and other plants, and protect the local natural ecosystem;

(3) To identify trees and other plants which are undesirable for planting in public spaces and on private property to ensure the public safety and welfare and benefit the natural, local ecosystem;

(4) Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment;

(5) Educate the community's residents, elected officials, employees, and volunteers about the value and need for a sustainable urban forest by understanding the importance of maintaining and improving the urban forest through encouraging arboricultural best practices for the city; and

(6) Work with the Urban Forester to establish and maintain an inventory of city-owned trees and identify trees at high risk for failure, disease, and insect infiltration.

(b) The Commission, when requested by Council, the Mayor, or the Urban Forester, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. Recommendations requiring Council action shall be made to the Public Service Committee of Council.

(c) The members of the Tree Commission shall provide website content to Communications and Technology concerning the rules, regulations, standards and specifications developed by the Commission and approved by Council or such other content as deemed advisable.

(d) It is recommended that members of the Tree Commission participate in continuing education through the Ohio Department of Natural Resources, Department of Forestry, and other educational opportunities.

(e) The Tree Commission shall establish and implement an annual Arbor Day observance.

§ 288.04 MEETINGS; ORGANIZATION.

(a) The Tree Commission shall hold an organizational meeting at its first regular meeting date of the year, and the meeting schedule for the year will be the first order of business. There shall be a minimum of six meetings per year. Work sessions or special meetings may be called at the discretion of the Commission Chairperson.

(b) The Commission shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. A notebook shall be kept in the Clerk of Council's office as a permanent record. In the absence of any rule regarding the matter of business, the Commission shall be governed by *Robert's Rules of Order*.

(c) The Commission shall appoint one of its members to serve as an ex officio member of the Parks and Recreation Commission and one member to serve as a voting member of the Environmental Affairs Advisory Board.

(d) A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports, and recommendations made by the Commission shall be in writing and shall designate by name those members of the Commission approving the same, failing to concur therein, or abstaining therefrom. Those who fail to concur or who abstain shall have the right, as a part of such report, to state their reasons for refusing to approve or to concur. Minutes of meetings shall be recorded and kept on file in the Urban Forester's office. Copies shall be filed with Commission members, the Mayor, and the Clerk of Council.

§ 1212.04 REVIEW BOARDS.

For the purposes of this code, there shall be review boards established for the administration and enforcement of this code including the Planning Commission, HPC and the ZBA.

(d) *Organization and roles of the Zoning Board of Appeals (ZBA).*

(1) *Establishment.* The city's Zoning Board of Appeals is hereby established.

(2) *Membership.*

A. The ZBA shall be composed of a total of five members with two members being appointed by the Mayor and three members being appointed by City Council. The two members appointed by the Mayor are subject to confirmation and approval by Council.

B. The ZBA members shall serve a term of five years each, with terms staggered so that there is an appointment every year.

(3) *Roles and powers of the ZBA.* The ZBA shall have the following roles and powers to:

A. Hear, review and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision or determination made by the Planning Commission, Code Administrator or other staff member authorized to make such decisions or orders, unless another appeals board is established by this code;

B. Hear, review and decide on variance requests in accordance with the applicable provisions of this code;

C. Resolve any disputes with respect to the precise location of a zoning district boundary, using, where applicable, the standards and criteria of § 1216.03: Zoning District Map and District Boundaries;

D. To permit the completion, restoration, reconstruction, expansion or extension of a nonconforming use where the enforcement of the regulations pertaining to nonconforming lots or buildings will result in unnecessary hardship; and

E. Perform any other duties related to the administration and enforcement of this code as authorized by the charter, this code, or the Ohio Revised Code.

(4) *Special provisions for ZBA hearings.*

A. The ZBA shall make findings and conclusions which support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of this code, including the application of any review criteria for the subject application.

B. The ZBA may subpoena witnesses and require the production of records in accordance with Chapter 268 of the Code of ordinances.

C. The privilege of cross-examination of witnesses shall be accorded all interested parties or their counsel in accordance with the rules of the ZBA.