

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
NOVEMBER 24, 2025**

The regular meeting of the Avon Lake City Council was called to order on November 24, 2025, at 7 p.m. in the Council Chamber with Council President Fenderbosch presiding.

Council President Fenderbosch led Council, staff, and the public in the Pledge of Allegiance.

Present: Councilmembers Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Rob Shahmir, Geoff Smith, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Beth Krosse; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the regular Council Meeting held on November 10, 2025, were approved as prepared and published.

PUBLIC INPUT

1. Vince Cononico, Avon Lake, expressed his dissatisfaction with the City's process regarding the road opening. He stated that multiple justifications provided by the City, including fairness to the developer, adherence to a connectivity plan, and safety concerns, were inconsistent or unsupported. He argued that the \$200,000 traffic study appeared to be used to justify a predetermined decision rather than to inform it, and he noted that the study's findings indicated a failing intersection if the road is opened, and no negative impacts if it remains gated. He warned that knowingly creating a hazardous intersection could expose the City to legal risk despite sovereign immunity. He concluded by stating that the decision undermines public safety and reflects poorly on City leadership.
2. Debbie Yue, Avon Lake, expressed her concerns about the validity and timing of the traffic impact study, noting that traffic counts were conducted during a period of atypically low school traffic and did not account for the upcoming school consolidation. She stated that both a Councilmember and the City's consultant acknowledged that this consolidation was not incorporated into the analysis. She reminded Council that residents had requested the study be conducted in the fall for more accurate data, but this recommendation was not followed. According to Ms. Yue, the study ultimately confirmed that the Lear Road/Handford Boulevard intersection would fail should Handford Boulevard open. She argued that proceeding despite this information would create unsafe conditions for multiple neighborhoods and future school traffic and noted that the developer had offered funds toward a gate. She urged Council to reconsider and

vote against opening Handford Boulevard.

3. Doug McCann, Avon Lake, as a civil engineer, voiced his concerns about the current and projected level of service at the Lear Road/Handford Boulevard intersection. He stated that the intersection already has the lowest Ohio Department of Transportation (ODOT) service rating among the 20 intersections analyzed and that the rating would worsen if the Handford Boulevard barricade is removed. He cited the study's estimate that hourly exiting traffic from Handford Boulevard would increase from approximately 20 vehicles to about 70, increasing the average wait time from 30 seconds to 50 seconds. He noted that the study did not fully account for additional traffic from approximately 258 existing homes east of the development that could reach Handford Boulevard via Millside Lane, and that the report acknowledged difficulty estimating that volume. He referenced the study's sensitivity analysis showing significantly increased wait times when the traffic from Millside Lane is included, and that the projected level of service would drop from an E to an F, and that the impact of Millside Lane traffic on potential signal warrants was not evaluated. He offered two recommendations: (1) if the barricade is removed, wait until construction in the Port Side and South Port developments is substantially complete to keep construction traffic off Handford Boulevard, and (2) when residents moved in, conduct a new traffic count that includes wait times to determine the updated level of service and whether turn lanes, a traffic signal, or a roundabout would be warranted.
4. Gerald Phillips, Avon Lake, raised his concerns regarding the proposed Purchase and Sale Agreement (PSA) related to the former Power Plant site. He stated that the PSA does not include assignment of the submerged land lease to the City and argued that the City should not proceed without reviewing and understanding that lease. He questioned why the agreement is structured in two phases and asserted that it should be consolidated into a single agreement. He noted that the PSA describes an easement across future parkland that appears intended to preserve the seller's access to the submerged land lease, which he viewed as deceptive and contrary to the City's interests. He warned that if the City does not obtain the submerged land lease and fails to terminate the agreement within the limited timeframe after receiving a "No Further Action" letter, it could end up owning the land without access to the beach. He expressed concern that negotiations had not occurred publicly and that discussions about the PSA appeared to have taken place behind closed doors, and he suggested the City's legal representation was inadequate and urged Council to delay the agreement.
5. William Zimmerman, Avon Lake, voiced his concerns regarding the PSA, stating that negotiations have not been transparent. He questioned whether the Brownfield Committee or Community Improvement Corporation meetings were being held inappropriately behind closed doors and asserted that the PSA is being rushed. He reiterated concerns raised by Mr. Phillips about the submerged land lease, arguing that without securing assignment of that lease, the City should not

proceed. He also questioned why the Erieview School property purchase was being declared an emergency, stating there was no urgent need.

6. Tony Tomanek, Avon Lake, as a 75-year resident of Avon Lake and president of the Avon Lake Historical Society (ALHS), expressed his support for the City's acquisition of approximately 23 acres of shoreline property. He emphasized the historical significance of the former Avon Lake Power Plant, noting its role in the community since 1926. He described ALHS's plans for a commemorative garden on the site to honor the Plant's legacy and display preserved artifacts from its demolition. The property represents an opportunity to preserve community history and create a valuable public gathering space for future events, education, and celebrations. He urged Council to support the acquisition.
7. Todd Davis, legal counsel for the City, addressed public comments made earlier regarding the submerged land lease and the structure of the transaction. He stated that he has previously provided extensive presentations to Council outlining the terms, strategy, and goals of the agreement, including multiple detailed briefings responding to Council questions. He explained that the transaction was intentionally structured in two phases, with the real estate purchase occurring first and the submerged land lease addressed separately. He stated that the submerged land area is owned by the State of Ohio, requiring coordination with the Ohio Department of Natural Resources (ODNR), the Ohio Environmental Protection Agency (EPA), and potentially prior owners, making the process complex. He noted that the City needs control of the site before undertaking that second phase, and that limited budget and grant opportunities also influence the sequencing. He also explained that the beach and shoreline evaluations require state approvals and additional environmental testing unrelated to the submerged land lease. Regarding questions about easements, he stated that an access easement is a standard legal requirement for a leaseholder to reach leased property. He also clarified that the phrase "no TIF¹, no deal" is not a threat but a factual description of the financing structure under which the purchase price is paid through TIF revenue rather than City funds. He emphasized that the process has been ongoing for more than two years and that the structure is designed to support the project's goals while limiting financial impact on the City.
8. Majeed Makhlouf, legal counsel for the City, addressed earlier comments regarding the City's commitments under the interim development agreement and the proposed TIF. He stated that the interim development agreement was publicly available for an extended period and was approved by Council following a deliberate process. The PSA contains no requirement for the City to issue a TIF, and that an issuance of a TIF is governed by Ohio Revised Code procedures, including school district approval, Council action, and public notice. He clarified that the phrase "no TIF, no deal" is intended as an assurance that the City incurs

¹ Tax Increment Financing

no financial obligation if a TIF is not approved. The PSA has been publicly available and has received multiple presentations and discussions before its third reading. Also, the public engagement process is ongoing, as future steps that include zoning hearings and Planning Commission review will provide additional opportunities for input.

9. Jim Ziemnik, Director of Lorain County Metro Parks, reiterated the agency's support for the City's proposed acquisition of shoreline property. He emphasized Lake Erie as a major regional asset and noted that public access to the lakefront is limited despite Avon Lake containing a substantial portion of Lorain County's shoreline. He described the acquisition as a rare opportunity to expand public access and enhance quality of life. He referenced past efforts by the Metro Parks to seek state and federal funding jointly with the City, noting that such efforts were unsuccessful because the City did not yet have site control. He stated that ownership of the property is essential for accessing significant remediation and brownfield cleanup funds. While clarifying that the Lorain County Metro Parks has no contractual relationship with the City at present, he expressed the agency's willingness to partner in the future.

MAYOR'S REPORT

Mayor Spaetzel reported on the Light Up the Park held on November 22, 2025. The event included a parade with a light show, Santa's appearance, live reindeer, ice sculpting, a petting zoo, and a craft show. He praised the Recreation Department for their efforts in organizing the event, and he wished the community a happy and safe Thanksgiving.

COUNCIL PRESIDENT'S REPORT

Council President Fenderbosch reported on the following:

1. A Council-elect meeting was held on November 18, 2025, in accordance with Section 220.04 of the Codified Ordinances, to elect the Council President and President Pro Tempore for the upcoming term. Since three At-Large members were elected, she felt that it was an appropriate time for her to step down. She then nominated Geoff Smith for Council President, which was unanimously supported, and Mr. Smith nominated her for President Pro Tempore, which she declined. Mr. Kos was then nominated and elected to the position.

Ms. Gentry thanked Council President Fenderbosch for her guidance and expressed appreciation for her implementation of changes that have placed the City in a better position.

Mr. Shahmir agreed, noting that Council President Fenderbosch is the hardest-working Councilmember.

Mr. Kos stated that Council President Fenderbosch has done an outstanding job and that her recognition of the right time for change shows humility. He commended her willingness to step back, her support of Council as a whole, and her continued commitment to serve the residents of Avon Lake. He added that her work as Council President is deeply appreciated, long-lasting, and reflected in many positive changes she initiated and that were implemented.

2. The next Collective Committee Meeting is Monday, December 1, 2025, at 7 p.m. in the Council Chamber.
3. The next Council Meeting is Monday, December 8, 2025, at 7 p.m. in the Council Chamber.
4. The next Council-elect meeting is Thursday, December 4, 2025, at 6 p.m. in the Council Conference Room.

FINANCE DIRECTOR'S REPORT

Finance Director Krosse reported on the following:

1. The 2024 Finance Statement Audit has been completed, finalized, and released by the Auditor of State. It is available on the City's website.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. Light Up the Park
Laborers Tad Smith and Pat Stokes were recognized for setting up the lighting in Veterans Memorial Park. They teamed up with Mechanics Larry Abfall and Larry Joe Abfall in lighting up a plow truck that was driven in the parade.
2. Walker Road, Phase 5, Pavement Rehabilitation
Two-way traffic opened earlier today. Auxiliary striping will be finalized; however, it is weather-dependent. Since inclement weather is predicted, temporary striping will be placed until the thermoplastic permanent striping occurs in the spring. Thermoplastic is a longer-lasting plastic that can only be installed under certain pavement temperatures to be effective.
3. Avon Lake Play Space (ALPS) Project
The Project is nearing completion, with additional features being installed over the past weekend. The donor pavers from the original ALPS were reinstalled at the south entrance. Fencing will arrive in the first week of December. A grand opening will be scheduled in December.

4. Comment Period for Lake Road Sidewalk Project, West of SR 83
A comment period based on the 4(f) environmental determination document will be open on the City's website and directed to Public Works Director Liskovec. The comment period concludes December 29, 2025.
5. Edgewood Outfall Rehabilitation Project
A pre-construction meeting will be scheduled for the first week in December.
6. City Hall Mold Remediation
An industrial hygienist conducted pre-mitigation sampling in the basement. ServiceMaster was selected as the contractor, and they began mitigation work today. After the mitigation is completed, post-air-quality monitoring will be conducted to view the effectiveness of the mitigation and to determine if any additional work is needed.

BUILDING AND UTILITIES COMMITTEE REPORT

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

1. The City has been granted the SolSmart Cohort Bronze award from Northeast Ohio Public Energy Council (NOPEC).
 - Mayor Spaetzel explained that NOPEC conducted an analysis of the City's facilities and recommended green initiatives. Their recommendations were accepted by the City, leading to the award.
2. Public Works Director Liskovec assisted in fulfilling NOPEC's requirements for its annual grant program; all funds received were utilized.
3. The Committee will not meet during December.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

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

1. The Committee will not meet during December.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

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

1. The Committee will not meet during December.

FINANCE COMMITTEE REPORT

Mr. Zuber reported on the Finance Committee as follows:

1. The next Committee meeting is Monday, December 1, 2025, at 6 p.m. in the Council Chamber.
2. Suspension of the rule requiring three readings on an emergency basis will be requested for Ordinance No. 25-177, amending Chapter 252, entitled Purchasing Procedures.

HUMAN RESOURCES COMMITTEE REPORT

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

1. Suspension of the rule requiring three readings on an emergency basis will be requested for Ordinance No. 25-192, setting a salary for the Acting Fire Chief.
 - Mayor Spaetzel explained that Assistant Fire Chief Steve Peter has been serving as the Acting Fire Chief since August 15, 2025. Due to his additional responsibilities, the Administration decided to increase his salary by 7.5%.

Mr. Shahmir asked if it is the City's protocol to increase a subordinate's salary whenever they assume the duties of their superior.

Mayor Spaetzel responded that it is unusual to provide an increase because an assistant assumes the duties of a department head whenever they are absent, as per their job description. However, there is uncertainty in this situation, and it is necessary to provide a stipend.

2. The Committee will not meet during December.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

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

1. The Committee met on November 18, 2025.
 - The agenda included a report from City Representative Mikayla Hyland on the Lorain County Board of Health, a discussion and vote on the southeast quadrant traffic study, and the Blue Envelope Program.
2. Suspension of the rule requiring three readings on an emergency basis will be requested for Ordinance No. 25-199, authorizing the Quick Response Team memorandum.
3. The Committee will not meet during December.

PUBLIC SERVICE COMMITTEE REPORT

Mrs. Fenderbosch reported on the Public Service Committee as follows:

1. The next Committee meeting is Monday, December 8, 2025, at 6 p.m. in the Council Chamber.
2. Suspension of the rule requiring three readings on an emergency basis will be requested for Ordinance No. 25-182, authorizing the application of a State of Ohio Brownfield Remediation Fund Assessment Grant.

PLANNING COMMISSION REPORT

Mr. Smith reported on Planning Commission as follows:

1. Suspension of the rule requiring three readings on an emergency basis will be requested for Ordinance No. 25-187 and Ordinance No. 25-188, approving the improvement plan for Harbor Crest Townhouse Subdivision Nos. 1 and 2. All conditions have been met.
2. The next Commission meeting is Tuesday, December 2, 2025, at 7 p.m. in the Council Chamber.

ZONING BOARD OF APPEALS REPORT

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

1. The next Board meeting is Wednesday, December 10, 2025, at 7 p.m. at the Council Chamber.

COMMUNITY RELATIONS BOARD REPORT

Mr. Smith reported on the Community Relations Board as follows:

1. The Board met on November 13, 2025.
 - The agenda included a review of the City's social media policy by Communications and Technology Director Rob Rua and a review of the Americans with Disabilities Act (ADA) by Building Official and ADA Coordinator Tom Carleton.

TREE COMMISSION REPORT

Council President Fenderbosch reported on the Tree Commission as follows:

1. The Commission will not meet during December.

2. The next Commission meeting is Wednesday, January 14, 2026, at 6 p.m. at the Old Firehouse and Community Center.

MOTIONS

Mr. Smith moved to authorize the removal of the barricade on Handford Boulevard between Current Village and Port Side Subdivision.

- Mr. Smith explained that the Current Village development was approved in 2001 with Handford Boulevard as a stub street. At the time, it was clearly intended that there would be connectivity within the City. This was reaffirmed at the November 18, 2025, Public Safety and Health Committee meeting, where both the Police Chief and the Fire Chief stated that removing the barricade was in the interest of public safety. The 2025 traffic study identified Bridgeside Drive as potentially experiencing future issues, similar to Handford Boulevard. The geometry is nearly identical: Teasel Court aligns with Handford Boulevard, and Long Pointe Drive aligns with Bridgeside Drive. Despite these concerns, the study showed that overall, the City's planning and traffic flow in these areas remain very good. While there will be some increase in delay, making left turns slightly slower and more difficult, the City's consultant concluded that the delays did not warrant a traffic signal at the intersection of Lear Road and Handford Boulevard. The study will also be useful as the schools on Lear Road undergo remodeling, as it analyzed not only the Handford Boulevard area but the entire surrounding area. He agreed with Mr. McCann, who spoke earlier, that it is essential that the Administration ensure construction traffic does not use this area.

Mr. Shahmir asked if the schools would use data from this study as part of their planning because the study did not include the schools in their number counts.

In response, Mayor Spaetzel stated that the schools will be conducting their own study but will use the data from the City's traffic study as a starting point.

Mr. Shamir emphasized the importance of keeping the area barricaded until construction is complete. The City experienced a similar situation on Liberty Rose Drive that was heavily impacted by construction traffic. He explained that there are multiple issues related to construction traffic. As heavy equipment and trucks move through a street, the loads can cause significant adverse impacts. Unfortunately, the City was not successful in preventing construction traffic from cutting through Liberty Rose Drive. It was his understanding that Handford Boulevard would remain closed until construction was finished.

Mayor Spaetzel responded that the Memorandum of Understanding (MOU) grants Council the authority to remove the barricade whenever Council determines it is appropriate.

Mr. Zuber stated that he will not support removing the barricade, unless Council is assured by both the Administration and Pulte that Handford Boulevard will remain closed until construction is complete. Historically, other developments were handled the same way, keeping them closed until construction in that area was finished.

Ms. Gentry explained to the Current Village residents that Council worked with them and made every effort to incorporate their requests, and invested money into the study. She believed the analysis accounted for the differences in timing. The presentation at the Collective Committee Meeting on December 1, 2025, of the traffic study did not contain the narration heard at the Public Safety and Health Committee meeting; instead, it consisted of screenshots of the results. She believed the screenshots were misleading because the consultant's explanations did not describe the situation as being nearly as problematic as the images suggested. For example, his explanation of an "F" rating meant only a slightly longer delay, but it was not a significant issue. Regarding the queuing standpoint, he explained that the 50 feet of queuing would not block any other streets and believed the flow of traffic would adjust over time, as drivers who didn't want to wait the extra 30 seconds would naturally find different routes. He also said a stop sign would be sufficient and that the traffic volume did not justify a signal. People will notice a delay, he acknowledged, but it is not a delay of several minutes. Council also had to consider the residents on the other side of the barricade, those who would be directly affected if the barricade continued to obstruct emergency vehicles. The Police Chief and the Fire Chief made it absolutely clear that these barricade should not obstruct their access, especially in situations where seconds truly matter. Therefore, Ms. Gentry concluded that the barricade should be removed. She noted that if the Administration determines a no-left-turn restriction is warranted during the peak one-hour period, she will support installing a sign whenever it is deemed appropriate.

Mr. Kos asked how the Administration and Pulte will ensure that construction traffic will not enter Handford Boulevard.

Mayor Spaetzel acknowledged that Keith Filipkowski of Pulte has done an excellent job instructing the construction team to only use the designated construction entrances. Mayor Spaetzel is inclined to remove the barricade now, unless Council determines it is necessary to keep it in place until there is substantial completion of construction, and asked what that term actually means. Is it until 80% of the houses are done? 50%? Or 100%? That could be a year or more.

Mr. Shahmir stated that he is concerned about the flow of heavy vehicles through the street and the damage those vehicles can cause to the roads, especially given the current financial constraints on road maintenance. While Mr. Filipkowski has tried to manage his contractors, some continue to use the streets, as seen previously at Liberty Rose Drive. Removing the barricade could be acceptable when construction is complete, but only if construction traffic is properly controlled. Otherwise, it could harm neighborhoods and roads. The primary issue remains ensuring construction traffic does not pass through.

Mr. Arnold asked Mr. Filipkowski about the status of the construction.

Mr. Filipkowski stated that Pulte has established an MOU aligned with the traffic study and overall community planning. He clarified that construction traffic on Liberty Rose Drive was caused by other builders, not Pulte contractors. He emphasized the need for access via Handford Boulevard to support sales and allow prospective buyers and consultants into the Pulte community and assured Council that Pulte will continue working with the City to manage construction logistics, including signage and communications, to prevent issues. He suggested that a temporary blockade at either the current gate or a different location on the south side of Pulte's townhome community could allow sales access while isolating construction traffic and preserving the planned connection. Since fire and safety access must be maintained, this approach could serve as a practical compromise. Overall, Pulte has sought to manage the situation as responsibly as possible.

Council President Fenderbosch stated that she believed the City can control most of the construction traffic by having it enter from Walker Road, as intended, to minimize impact on the neighborhood.

Mr. Kos emphasized that construction activity must be closely monitored and any violations should be reported. If the rules are not followed, Council has the authority to reinstate the barricade by vote. Additionally, the Police Department can issue citations, which was done in other developments.

Mr. Kos noted that if the rules are abused or not followed, Council has the authority to reinstall a barricade through a Council vote.

Mr. Zuber moved to amend the motion to state that the removal of the barricade shall take place upon final construction of the subdivision.

Yes: Shahmir, Zuber

No: Fenderbosch, Gentry, Kos, Smith, Arnold

Motion failed.

- Mr. Kos explained that he voted no to Mr. Zuber's amendment because the term "final completion of construction" was too vague. However, he agreed that construction traffic should be prevented as much as possible.

Mr. Shahmir explained that his view of construction consists primarily of activities involving heavy equipment, such as excavators, concrete pours, and trucks hauling dirt, which impact the roads. The end of construction, in his view, is when this heavy equipment work is complete. The remaining finish work does not involve such equipment and generally does not affect the roads.

Council President Fenderbosch noted that heavy trailers delivering wood frames caused issues by cutting corners in the Legacy Isle development; therefore, the construction impact is not limited to heavy excavation equipment. Regarding the removal of the barricade, the consultants have indicated that implementing a right-turn-only or no-left-turn restriction during peak hours in the morning and evening would prevent significant delays. This approach falls within the City's authority, including public works, safety services, and engineering oversight. During the Public Safety and Health Committee meeting, it was discussed that traffic patterns could be evaluated within 180 days, or about six months, suggesting that a temporary sign could be implemented immediately to manage traffic while monitoring the situation.

Mr. Kos stated that discussions on this issue have been ongoing for over a year, with TranSystems conducting a comprehensive traffic study covering the entire southeast quadrant of the City. The study found that opening the barricade on Handford Boulevard during peak PM hours would cause the intersection to reach an "F" rating, meaning cars could wait up to 80 seconds to turn. Alternatives such as a traffic signal or roundabout were considered, but a traffic signal was not warranted, and roundabouts are costly and take years to implement, making them unfeasible in the short term. The issue primarily occurs during peak hours; outside of those times, the intersection operates normally. One potential solution discussed at the Public Safety and Health Committee was implementing right-turn-on-only restriction during peak hours. However, it was determined that placing those signs simultaneously with the barricade removal would likely not be supported by Council or the Administration. The consensus from the Police Chief and Mayor was to first remove the barricade and observe traffic flow. If problems arise, turn restrictions could later be implemented. The focus of the study and discussions has been on safety, not just limiting traffic through the neighborhood. The goal is to resolve wait times and traffic issues while balancing neighborhood access and safety.

Ms. Gentry commented that it will likely be some time before these homes reach full occupancy, and the City may not need to take any action until

more of the homes are built and occupied.

Mr. Shahmir agreed that implementing a right-turn-only restriction during a specific time could potentially resolve many of the issues. If the Administration monitors the situation and reports to Council the actual conditions in six months, then this could serve as a compromise for all.

Mr. Zuber stated that a resolution on how to prevent construction traffic from using Handford Boulevard has not been decided. Therefore, he cannot support removing the barricade until that issue has been resolved.

Mayor Spaetzel explained that the Administration will follow standard procedures for signage, reporting, and enforcement, like any area impacted by construction traffic. When building homes, construction traffic must use roads, but the City does not want it traveling down Handford Boulevard or Liberty Rose Drive. The usual approach is to put up signs and make all contractors, not just Pulte, aware that construction traffic is prohibited on certain roads. The Police Department will monitor this to the best of their ability.

Mr. Arnold agreed that construction traffic has to travel from somewhere, so if it's not Handford Boulevard, it will impact Port Side or another neighborhood. Signs can be put up, and while not every contractor will comply, Pulte's representative has stated that, to his knowledge, no one from his company is violating this rule. He reiterated that the City must monitor the situation to ensure compliance.

Council President Fenderbosch requested that the minutes include a comment from the consultant made during the Collective Committee Meeting on December 1, 2025, at 1 hour, 6 minutes, and 48 seconds. The consultant stated, "If a left turn is prohibited, your delays are going to go away."

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

No: Zuber

Motion passed.

LEGISLATION

Mr. Arnold moved to remove Ordinance No. 25-169, regarding the Sandridge-Harbor Crest Tax Increment Financing incentive districts, from the agenda.

- A public hearing was held on November 10, 2025, regarding the TIF. According to the Ohio Revised Code, legislative action cannot occur until 30 days after said public hearing. Therefore, the third reading is scheduled for December 15, 2025.

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

No: None

Motion passed.

Third Readings:

Ordinance No. 25-161, AN ORDINANCE AUTHORIZING THE CREATION OF A NEW CHAPTER TITLED SHORT-TERM RENTAL PROPERTIES WITHIN TITLE SIX BUILDING REGULATIONS IN PART FOURTEEN OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY, was read by title only.

Mr. Arnold moved for passage of Ordinance No. 25-161. This legislation will authorize the creation of a new chapter in the City's Codified Ordinances concerning Short-Term Rental Properties that requires all short-term rentals to be registered with the City. It also mandates a safety inspection and establishes a spacing requirement, allowing only one short-term rental per 1,000 feet due to concerns about saturation within the City.

Mr. Kos thanked Mr. Arnold, chair of the Short-Term Ad Hoc Committee, Ms. Gentry, and others who contributed. The Committee spent more than a year researching regional legislation and gathering feedback from both residents and short-term rental owners to create a comprehensive ordinance. Avon Lake has been proactive compared to other communities that only acted after problems occurred. The new legislation is expected to prevent future issues while still allowing responsible property use, and may serve as a model for other cities.

Community Development Director Ted Esborn stated that the application to register for the Short-Term Rental Certificate has been prepared through the City's OpenGov platform and is available on the City's website. He emphasized that new and existing short-term rental properties must apply for a certificate and schedule a life-safety inspection; no properties will be grandfathered in. The City will enforce the program fairly, open the application upon passage of the ordinance, and work with residents during the transition while certificates are processed.

Ms. Gentry asked how the Administration will handle spacing conflicts under the new rules; for example, if someone buys a house next week with the intention of operating a short-term rental but is within 1,000 feet of an existing one and the current owner has not yet registered.

Community Development Director Esborn explained that a new applicant within 1,000 feet of an already-registered short-term rental will not be able to obtain a certificate. However, existing owners must renew their certificates periodically. If an existing short-term rental fails to renew, another applicant within a 1,000-foot area could then obtain a certificate. He clarified that the only grandfathering allowed is for the number of current short-term rentals; if multiple rentals already exist within a 1,000-foot area today, all of them may receive certificates now, even though new ones would not be permitted in that same area in the future.

Ms. Gentry asked how current short-term rental owners would be notified about the new ordinance, since not everyone attends or views Council meetings. In response, Community Development Director Esborn stated that the Administration has planned outreach through the Communications and Technology Department. Rather than an urgent warning, the outreach will encourage property owners to apply for their registration certificates and provide clear instructions on the process.

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

No: None

Motion passed.

Ordinance No. 25-161 adopted.

Ordinance No. 25-167, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND AVON LAKE ENVIRONMENTAL REDEVELOPMENT GROUP, LLC, FOR THE ACQUISITION OF APPROXIMATELY TWENTY-THREE (23) ACRES OF LAND LOCATED IN THE CITY OF AVON LAKE AND DECLARING AN EMERGENCY, was read by title only.

Mr. Arnold moved for passage of Ordinance No. 25-167. This legislation will authorize the Mayor to execute a Purchase and Sale Agreement between the City and Avon Lake Environmental Redevelopment Group, LLC, (ALERG) to purchase approximately 23 acres of land. The parties previously entered into an Interim Development Agreement on November 13, 2024, outlining the property's use as public parkland, the creation of an overlay zoning district, and the establishment of a TIF District.

Mr. Arnold explained that the City has had extensive discussions over the past two years regarding the purchase. In the last six weeks, experts have addressed questions from Council, the Administration, and the public. The property is being purchased through a \$15 million TIF, which requires school approval; without the TIF, the purchase cannot proceed. Environmental due diligence will be conducted, and the City has final approval. If an environmental issue arises, the contract can be cancelled.

Mr. Shahmir emphasized the importance of civil discourse and acknowledged the efforts of the Administration, outside legal counsel, and other experts. While supportive of redevelopment in principle, his concerns were focused on structure, timing, and long-term governance. He noted that the current Council would bind a future Council to a multi-decade, \$60 million TIF agreement without key elements in place, including a developer, revenue model, engineering plans, school district agreement, or independent feasibility studies. He questioned the rush to approve the PSA, arguing that proper due diligence and financial safeguards are needed. He reiterated that his vote is not against redevelopment but is intended to ensure transparency, fiscal responsibility, and the opportunity for the incoming Council to participate.

Mr. Shahmir moved to postpone this PSA until after the new Council has been sworn in on January 2, 2026.

- Mr. Kos stated he will vote in opposition to Mr. Shahmir's motion to postpone. His decision is not related to the incoming Councilmembers but rather in support of the two outgoing members, particularly Mr. Arnold, who has chaired the Economic Development Committee, and Mr. Zuber, who has been involved in this process from the beginning. He emphasized that they have worked hard, are knowledgeable about the agreement, and have earned the right to vote on it. He also noted that the new Councilmembers will have opportunities to vote and participate in decisions in the future.

Ms. Gentry explained her ongoing concerns about the PSA, regarding the submerged land lease and uncertainty around property maintenance. While she believes the project could benefit Avon Lake, she noted that the TIF agreement and an economic development plan have not been finalized. Given these unresolved issues, she has reservations about moving forward at this time.

Mr. Arnold emphasized his long-term involvement in the project, noting that he has been involved with this PSA since its inception and has consistently worked to serve the community. He stated that, regardless of the outcome, he will remain in Avon Lake and is invested in the process. He cited his experience and commitment as reasons he deserved to vote on the matter, while acknowledging this is only the beginning of a long process.

Council President Fenderbosch voiced her opposition to the motion to postpone, citing the importance of moving forward to complete Phases 1 and 2 of the project, which will enable the City to fully understand the project and meet the milestones required for an associated grant. She stressed that this is not a rush, referencing that the project already has been in progress for approximately three years. The incoming councilmembers have been kept informed, given opportunities to meet with the consultants, and provided with all available information so that they are not entering the process unprepared.

Yes: Gentry, Shahmir

No: Fenderbosch, Kos, Smith, Zuber, Arnold

Motion failed.

Mr. Kos asked Mayor Spaetzel to provide Council with an outline of the next steps moving forward if the ordinance is passed.

In response, Mayor Spaetzel explained that the immediate next step is submitting a grant application by December 5th to secure \$300,000 for part of the environmental assessment. Site control is required before most work can proceed, including environmental assessments and planning efforts. In January, the City will issue a Request For Qualifications (RFQ) to contract with a park planner, whose work will guide grading, park layout, and public engagement, in collaboration with the Lorain

County Metro Parks. He emphasized that site control is a necessary step to access millions of dollars in funding that would otherwise be unavailable.

Mr. Kos stated the importance of listening to these experts, noting that their work has been crucial in guiding the City through complex aspects of the project. He encouraged Mr. Shahmir, Steve Gross of Verdantas, and ALERG to collaborate on the environmental assessment.

Mr. Smith stated that the site is a brownfield being remediated for the benefit of the City and emphasized the need to do it correctly, relying on hired experts. He also highlighted the importance of addressing the overlay zoning for the property as soon as possible.

Mr. Shahmir asked Mr. Ziemnik questions regarding potential Metro Parks involvement in the park, specifically whether they might take over the eastern sector or the entire park. He also inquired about the possibility of “daylighting” Powdermaker Creek and whether that will be under consideration.

Mr. Ziemnik confirmed that daylighting Powdermaker Creek is a potential goal and has value, but the project is in very early stages. He noted that there are logistical and engineering challenges, and coordination with agencies and stakeholders, including ODNR, Ohio EPA, and Mr. Gross, would be required. While supported as a concept, the details of implementation remain to be worked out.

Mayor Spaetzel outlined the history and progress of the former Power Plant property, noting that the City did not own or influence its closure. Charah Solutions, Inc., purchased the site in March 2022 and has largely completed demolition and asbestos abatement. Public input and visioning sessions emphasized redevelopment with access to Lake Erie. Working with Lorain County Metro Parks and a team of experts, the City has pursued site control while minimizing environmental and financial risk. The PSA before Council reflects over a year of planning and consultation.

Council President Fenderbosch expressed full confidence in the consultants guiding the project, noting their extensive experience in property reclamation and creating publicly accessible spaces. She stated that the consultants’ expertise ensures a successful outcome, transforming a previously unusable site into a valuable community asset.

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

No: Shahmir

Motion passed.

Ordinance No. 25-167 adopted.

Ordinance No. 25-174, AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE CITY OF AVON LAKE, OHIO, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF AVON LAKE,

OHIO, DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY, was read by title only.

Council President Fenderbosch moved for passage of Ordinance No. 25-174. This legislation will enact the City's Code of Ordinances, recodified by American Legal Publishing into a comprehensive, well-organized book. The codification includes administrative, traffic, general offenses, business regulation, streets/utilities/public services, planning and zoning, building and housing, and fire prevention codes, as well as a table of special ordinances and an index. The process, conducted with the Clerk of Council and the Law Director's office, ensures accuracy, public accessibility, and compliance with Ohio law.

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

No: None

Motion passed.

Ordinance No. 25-174 adopted.

Second Readings:

Ordinance No. 25-175R, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 208.01, ENTITLED FEE SCHEDULE, was read by title only.

This legislation will amend the Fee Schedule for Police Department video recordings, establish a fee of \$75 per request, not to exceed \$750, and \$5 per flash drive for public records requests, increase the pool fees by 12% annually for 2026 and 2027, and eliminate the Green Team registration, no longer in use.

The Finance Committee reviewed updates to fees for the Police Department, following a new State law that allows municipalities to enact a fee, and proposed increasing pool fees for 2016-2027. While the pool fees will likely remain among the lowest in the area, the adjustments are needed to recoup expenses.

Ordinance No. 25-177, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 252, ENTITLED PURCHASING PROCEDURES, was read by title only.

Mr. Zuber moved for passage of Ordinance No. 25-177. This legislation will amend Codified Ordinance Chapter 252, clarifying the City's purchasing procedures. The primary update pertains to the increase in the bidding process threshold from \$50,000 to \$77,000 (per ORC), above which, bids are no longer required. Instead, three quotes must be obtained, and Council approval must be documented, either in a Standing Committee, Collective Committee Meeting, or regular Council Meeting. This change is intended to streamline procurement, particularly for the Public Works Department.

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

No: None

Motion passed.

Ordinance No. 25-177 adopted.

Ordinance No. 25-178, AN ORDINANCE ESTABLISHING A LODGING EXCISE TAX ON HOTELS AND SHORT-TERM RENTALS WITHIN THE CITY OF AVON LAKE, PROVIDING FOR TAX COLLECTION AND REMITTANCE BY LODGING PLATFORMS AND OPERATORS, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will establish a lodging excise tax pursuant to ORC Sections 5739.08 and 5739.091. Municipalities may levy an excise tax on lodging transactions for stays of 30 days or less. Lodging platforms are required to collect and remit the tax, typically monthly for cities and quarterly for counties. Similar programs are already in place across Ohio. The tax revenue would be split, with 50% dedicated to tourism, recreation, and visitor services, and 50% into the general municipal fund.

Resolution No. 25-182, A RESOLUTION AUTHORIZING THE CITY OF AVON LAKE TO APPLY FOR AND ADMINISTER A STATE OF OHIO BROWNFIELD REMEDIATION FUND ASSESSMENT GRANT FOR THE FORMER NRG POWER PLANT PROPERTY AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion passed.

Council President Fenderbosch moved for passage of Resolution No. 25-182. This legislation will authorize the City to apply for the Ohio Brownfield Remediation Fund Assessment Grant for the former NRG Power Plant property. The program provides up to \$300,000 in financial assistance to assess environmental conditions and address brownfield concerns. The application deadline is December 5, 2025.

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

No: None

Motion passed.

Resolution No. 25-182 adopted.

Ordinance No. 25-184, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT WITH THE AVON LAKE CITY SCHOOL DISTRICT FOR THE ACQUISITION OF THE FORMER ERIEVIEW SCHOOL PROPERTY, LOCATED AT 32630 ELECTRIC BOULEVARD, AVON LAKE, OHIO, AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to enter into a purchase agreement with the Avon Lake City School District for the acquisition of the former Erieview School property, totaling 9.5 acres, for \$500,000, payable in five annual installments of

\$100,000 beginning July 1, 2027, and continuing each July 1 thereafter until paid in full.

Ms. Gentry commented on the Erieview School building assessment report and asked Mayor Spaetzel how the repair work will be funded and whether it will come from the Recreation Fund or require a separate allocation from the City budget.

Council President Fenderbosch explained that the Recreation Fund is for property acquisition only.

Mayor Spaetzel stated that repair and renovation costs will be addressed separately through a phased plan. City staff will assess the building, determine the necessary capital and operational costs, and then request specific appropriations from Council, as these expenses were not included in the current year's budget. He will provide answers and a proposed plan before the next reading.

Ordinance No. 25-187, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR HARBOR CREST TOWNHOUSE SUBDIVISION NO. 1 AND DECLARING AN EMERGENCY.

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

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

No: None

Motion passed.

Mr. Smith moved for passage of Ordinance No. 25-187. This legislation will approve Planning Commission's recommendation, made on November 4, 2025, regarding the improvement plan for Harbor Crest Townhouse Subdivision No. 1, a 73-unit fee-simple townhouse development on approximately 9.35 acres located at the southeast corner of Walker Road and Avon Belden Road (SR 83), contingent upon review and approval of all Engineering Department comments, including relocation of visitor parking spaces away from SR 83 and further into the subdivision; review and approval of submitted plans and notes by ALRW; and submission of a landscape plan for review and approval by the Community Development Department.

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

No: None

Motion passed.

Ordinance No. 25-187 adopted.

Ordinance No. 25-188, AN ORDINANCE APPROVING THE IMPROVEMENT PLAN FOR HARBOR CREST TOWNHOUSE SUBDIVISION NO. 2 AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None
Motion passed.

Mr. Smith moved for passage of Ordinance No. 25-188. This legislation will approve Planning Commission's recommendation, made on November 4, 2025, regarding the improvement plan for Harbor Crest Townhouse Subdivision No. 2, a 73-unit fee-simple townhouse development on approximately 9.35 acres located at the southeast corner of Walker Road and Avon Belden Road (SR 83), contingent upon review and approval of all Engineering Department comments, including a water diversion and management plan coordinating Phases 1 and 2 during construction; review and approval of submitted plans and notes by ALRW, including Avon Lake Regional Water installation of the tapping sleeve and valve at Walker Road; and submission of a landscape plan for review and approval by the Community Development Department.

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

No: None
Motion passed.

Ordinance No. 25-188 adopted.

First Readings:

Ordinance No. 25-189, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 278: COMMUNICATIONS AND TECHNOLOGY COMMISSION, was read by title only.

The legislation will amend the Communications and Technology Commission's structure, implementing recommendations from the Boards and Commissions Structure Review Ad Hoc Committee to ensure a balanced ratio of membership between Council and Mayoral appointments, staggered terms, and consistent code language.

Ordinance No. 25-190, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 284: ENVIRONMENTAL AFFAIRS ADVISORY BOARD, was read by title only.

The legislation will amend the Environmental Affairs Advisory Board (EAAB)'s structure to ensure staggered terms and consistent code language, following recommendations from the Boards and Commissions Structure Review Ad Hoc Committee. Although the Committee suggested a balanced ratio of Council and Mayoral appointments, this was not included. Established in the 1990s, the EAAB operates independently to provide unbiased recommendations to Council, distinguishing it from other advisory boards.

Ordinance No. 25-191, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 286: PARKS AND RECREATION COMMISSION, was read by title only.

The legislation will amend the Parks and Recreation Commission's structure, implementing recommendations from the Boards and Commissions Structure Review

Ad Hoc Committee to ensure a balanced ratio of membership between Council and Mayoral appointments, staggered terms, and consistent code language.

Ordinance No. 25-192, AN ORDINANCE SETTING THE SALARY FOR STEVE PETER AS ACTING FIRE CHIEF AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion passed.

Mr. Smith moved for passage of Ordinance No. 25-192. The legislation establishes the salary for Assistant Fire Chief Steve Peter, who is serving as Acting Fire Chief during Fire Chief Jeremy Betsa's administrative leave, including a 7.5% increase retroactive to August 15, 2025.

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

No: None

Motion passed.

Ordinance No. 25-192 adopted.

Ordinance No. 25-193, AN ORDINANCE TO MAKE APPROPRIATIONS FOR THE CITY OF AVON LAKE FOR FISCAL YEAR 2026 AND DECLARING AN EMERGENCY, was read by title only.

The legislation will authorize the 2026 budget, developed by the Finance Director with input from Department Heads, the Administration, and Council. It includes operating funds but no new capital improvement allocations beyond this year's carryover. Council intends to explore revenue increases, with the next Council expected to continue that effort.

Ordinance No. 25-194, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PART-TIME ASSISTANT DEPUTY CLERK AND ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will establish the job description, qualifications, and duties for the part-time Assistant Deputy Clerk in the Council Office, including civil service responsibilities and other tasks assigned by the Clerk of Council.

Ordinance No. 25-195, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1065.11: GREEN TEAM CERTIFICATION, was read by title only.

This legislation will repeal the Green Team certification outlined in Section 1065.11, as recommended by the Public Service Committee and determined by the Public Works Director.

Ordinance No. 25-196, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 272: AVON LAKE HISTORICAL PRESERVATION COMMISSION, was read by title only.

This legislation will amend the Avon Lake Historical Preservation Commission's structure, implementing recommendations from the Boards and Commissions Structure Review Ad Hoc Committee to ensure a balanced ratio of membership between Council and Mayoral appointments, staggered terms, and consistent code language.

Ordinance No. 25-197, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 288: TREE COMMISSION, was read by title only.

This legislation will amend the Tree Commission's structure, implementing recommendations from the Boards and Commissions Structure Review Ad Hoc Committee to ensure a balanced ratio of membership between Council and Mayoral appointments, staggered terms, and consistent code language.

Ordinance No. 25-198, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 220.05: STANDING COMMITTEES, was read by title only.

This legislation amends Codified Ordinance Section 220.05 to update Standing Committees, incorporating recommendations from the Boards and Commissions Structure Review Ad Hoc Committee, and based on Council's review, to ensure alignment with Committee duties and responsibilities.

Ordinance No. 25-199, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR QUICK RESPONSE TEAM BETWEEN ALCOHOL AND DRUG ADDICTION SERVICES BOARD OF LORAIN COUNTY, THE CITY OF AVON LAKE, AND LET'S GET REAL, AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion passed.

Mr. Kos moved for passage of Ordinance No. 25-199. This legislation will authorize the Mayor to enter into an MOU with the Lorain County Alcohol and Drug Addiction Services Board to create a Quick Response Team. The team, including Avon Lake Police and county addiction services members, will contact opioid overdose victims within 7 to 30 days after receiving medical attention to encourage them to seek treatment, as timely outreach increases the likelihood of engagement.

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

No: None

Motion passed.

Ordinance No. 25-199 adopted.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENT

Council President Fenderbosch highlighted a Cleveland Magazine article, *Why Businesses Are Choosing Avon Lake*. She praised the Community Development Department for their contributions in bringing new businesses to community.

EXECUTIVE SESSION

Mr. Kos moved to adjourn to Executive Session in compliance with Ohio Revised Code Section 121.22(G)(3) to discuss imminent court action.

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

No: None

Motion passed.

Adjournment: 10:02 p.m.

RECONVENING OF REGULAR MEETING OF COUNCIL

The regular meeting of Council reconvened at 11:19 p.m.

Present: Councilmembers Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Rob Shahmir, Geoff Smith, and K. C. Zuber.

Council President Fenderbosch moved for adjournment.

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

No: None

Motion passed.

Adjournment: 11:19 p.m.

Approved: /s/ Jennifer G. Fenderbosch
Council President

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