

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
APRIL 15, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on April 15, 2024, at 8:38 p.m. in the Council Chamber with Council President O'Donnell presiding.

Ms. Gentry led Council, staff, and the public in the Pledge of Allegiance.

Present: Council Members Zach Arnold, Jennifer Fenderbosch, Amy Gentry, David Kos, Marty O'Donnell, Rob Shahmir, and K. C. Zuber; Mayor Mark Spaetzel; Law Director Gary Ebert; Finance Director Ed Widman; Public Works Director Jon Liskovec; and Clerk of Council Valerie Rosmarin.

APPROVAL OF MINUTES

The minutes of the special Council Meeting on March 5, 2024, were approved as prepared and published.

CORRESPONDENCE

Mrs. Fenderbosch received emails from Ward 2 residents regarding 32401 Birchwood Lane and its owner, who has posted online about the hiring of convicts for a group home she intends to open at this property.

MAYOR'S REPORT

Mayor Spaetzel reported on the success of the Solar Eclipse Event. He voiced his appreciation to City employees who organized the festivities. Details of the Event will be presented at the Solar Eclipse Support Ad Hoc Committee on April 17, 2024. The weekend began with 891 participants running in the Eclipse Chaser 5K, followed by free concerts at Beach Park Station, and the Watch Party. Over 3,000 people attended the Watch Party. He visited with out-of-town visitors and residents, and they enjoyed themselves and praised the City's efforts. Food trucks, vendors, and activities were available throughout the weekend, and local businesses were featured. The preliminary results have the revenue at \$136,000; however, there was a cost to operate this Event, and the revenue will not cover all the expenses. The City applied for reimbursement of some of those costs from the State.

The City has received a proposal for Avon Lake Play Space (ALPS) from the company chosen as the landscape architect. The proposal will be evaluated and discussed.

Last Friday evening, April 12, 2024, the Avon Lake Police Department received a report that a male was threatening to harm his family, and gunshots were reported. The Police responded and requested the assistance of the Eastern Lorain County

Emergency Response Team (ELCERT). The response by Avon Lake Police and ELCERT was quick and professional. As a result, contact was made with the female in the house, and the male was found to be in another jurisdiction. There was talk about this being a “swatting” call, or a false call; it was not.

Mr. Kos shared a message he received from Nate Gamellia, owner of Beach Park Station, and read his message, as follows:

“I wanted to reach out and share some feedback about the event on Sunday at the Station, restaurants Tailgators, Rico’s, Dogg House, and Ibiza all recorded excellent days on Sunday for the event and were busy all day including well into the concert hours. Talents and their vendors were all pleased as well. Comments from the owners, “best Sunday business I have ever seen,” or “best Sunday that I can ever remember.” Very positive feedback. I thought the way the City managed balancing food truck vendors to ensure that no restaurants were upset with the layout and the communications were great. Thank you again for everything that the City did. The tenants were very appreciative of the additional business, and everyone thanked us for working with the City to host the event. It sounds like an economic boost to all those businesses was had. Thank you for everything that you do.”

Council President O’Donnell thanked the Police, Fire, and Public Works Departments, and Director Esborn and his Department, and other City employees. He appreciated everyone’s efforts and expressed what a great job they did to plan the Event.

COUNCIL PRESIDENT’S REPORT

Council President O’Donnell reported that the next Council Meeting will be held on Monday, April 22, 2024, at 7 p.m., and the next Collective Committee Meeting will be held on Monday, May 6, 2024, at 7 p.m.

PUBLIC WORKS DIRECTOR’S REPORT

Public Works Director Liskovec reported on the following:

1. As of Friday, Kimble Recycling & Waste Disposal has delivered 1,500 of the 2,500 96-gallon yard waste containers requested by residents. Carts are being delivered based on requests. Over 100 requests for 32-gallon carts were made, and they will be delivered this week. All carts will be delivered by the end of this month.
2. Residents on Rebecca Lane and Coventry Court recognized the following Public Works Department employees for excellent customer service: Jeremy Fialkowski, Brian Bedient, John Galippo, and Brendan Haas.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Tuesday, April 16, 2024, at 5 p.m. in the Council Chamber.

COMMUNICATIONS, ENVIRONMENTAL, AND RECREATIONAL PROGRAMMING COMMITTEE REPORT

Mr. Shahmir reported on the meeting of the Communications, Environmental, and Recreation Programming Committee on March 25, 2024. A timeline of the retention pond connection to the City's stormwater system was presented at that meeting, and said timeline was displayed to Council as follows:

- March-April 2023, the Environmental Affairs Advisory Board was removed from the Community Improvement Corporation (CIC) meeting agenda.
- April 3 to May 22, 2023, Clean Water Act Violation
- May 22, 2023, Discharge stopped from Pond 002
- July 11, 2023, Avon Lake Regional Water (ALRW) approved Avon Lake Environmental Redevelopment Group's (ALERG) connection to the City's stormwater system.
- October 25, 2023, the Ohio Environmental Protection Agency (OEPA) Division of Surface Water (DSW) visited the site and inspected the surface runoff plans for the water quantities moving through the site and into the lake, not the water quality.

The OEPA DSW did not give ALERG approval to connect Pond 002 to the City's stormwater system. The City gave approval based on the assumption that the site had been cleaned, decontaminated, and remediated to a Voluntary Action Program (VAP) level. Lisa Shook of the OEPA stated in an email that the OEPA has not seen any documentation from ALERG showing that the site has been remediated nor approved such a demonstration.

On July 11, 2024, Jack Gaydar of ALRW stated in an email to CUE Rob Munro that there could be a connection. His assessment was an engineering assessment and not an environmental assessment. He evaluated the amount of water that moves through the site and is discharged, not the quality of the water and/or the sediments. According to Avon Lake Codified Ordinance Chapter 1061, the City's Stormwater Manager (City Engineer Chris Howard) issues all permits for stormwater connections.

Pictures of the site were displayed, and areas were identified by Mr. Shahmir.

Mr. Shahmir identified Pond 002, which discharges into the lake. He noted that the discharge point is at a public beach. He stated that there have been failures in the procedures and operations, and how CIC, ALERG, and the City approach engineering issues needs to be re-evaluated. Also, Bramhall Engineering had a conflict of interest. They completed the design work, and Mr. Howard could not assess it because the property was being purchased by ALRW. There was no environmental assessment of what was moving through the stormwater system. Mrs. Shook told Mr. Shahmir that the OEPA had not seen any of the documentation, and when ALERG submits it for the VAP, the OEPA will share it with the City.

Mr. Shahmir stated that it is apparent that the OEPA does not understand what is going on to date. He recommended a procedural evaluation of ALRW's operations when working on behalf of the City. This requires focus because the risk and the environmental liability on the community are great.

Mr. Zuber stated that the public beach is closed and no longer exists.

In response, Mr. Shahmir stated that there is a sign for a beach, and the future use of the land will be a beach. The City does not want to further impact anything that will be developed or use an area that has minimal environmental liability and increase any liability.

Mr. Zuber agreed that there is a sign at the beach, but it states that the beach is closed. Currently, there isn't a beach, and the picture displayed depicts a public beach with people on it. He didn't disagree with Mr. Shahmir's statements but wanted to ensure that the public was aware that there wasn't a beach. If there was a beach, it would be closed.

ECONOMIC DEVELOPMENT COMMITTEE REPORT

Mr. Arnold reported on the meeting of the Economic Development Committee held earlier where a representative from ALERG gave an update on the Power Plant demolition. The demolition is projected to finish in late spring of 2025, followed by three to four months of remediation.

FINANCE COMMITTEE REPORT

Council President O'Donnell reported on the meeting of the Finance Committee held earlier. The following items were discussed: legal fees, a \$25,000 increase for Berns, Ockner & Greenberger, and a \$35,000 increase for Todd Davis; City's current revenues; State Auditor's packets for this year's audit; City Charter's requirement for Council action on the Mayor's salary was forwarded to the Human Resources Committee; Ward Redistricting was forwarded to the Administration for follow up and recommendation; and Procurement Policy revisions.

HUMAN RESOURCES COMMITTEE REPORT

The next meeting of the Human Resources Committee will be held on Monday, May 13, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT

The next meeting of the Public Safety and Health Committee will be held on Wednesday, April 17, 2024, at 6 p.m. in the Council Chamber.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Tuesday, April 16, 2024, at 6 p.m. in the Council Chamber.

PLANNING COMMISSION REPORT

The next meeting of the Planning Commission will be held on Tuesday, May 7, 2024, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that Terry Robison, Chair of the Tree Commission, will speak at the Avon Lake Public Library on Tuesday, April 16, 2024, at 7 p.m. on the importance of tree canopies, the appropriate trees for Avon Lake, and how to celebrate Arbor Day. Mr. Robison has a PhD in Forestry and was the former Director of the Cleveland Metroparks.

Fifth-grade students from St. Joseph's School and Troy Intermediate School will celebrate Arbor Day on Wednesday, April 24, 2024, with a Field Day at Lorain County Metroparks French Creek Reservation. Students will receive a tree sapling donated by Lubrizol. Mayor Spaetzel will issue an Arbor Day Proclamation at the Public Works Department at 2 p.m., and eight trees will be planted.

The next meeting of the Tree Commission will be held on Wednesday, May 8, 2024, at 7 p.m. at the Old Firehouse.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE REPORT

The final meeting of the Solar Eclipse Support Ad Hoc Committee will be held on Wednesday, April 17, 2024, at 5 p.m. in the Council Chamber.

WALKER ROAD PARK AD HOC COMMITTEE REPORT

Mr. Shahmir reported on the meeting of the Walker Road Park Ad Hoc Committee meeting on April 10, 2024. The following items were discussed: Wetlands Permit and Purchase Mitigation Agreement and the roles and responsibilities of the Cities of Avon Lake and Bay Village regarding the maintenance and operations at Walker Road Park.

MOTIONS

Mrs. Fenderbosch moved to accept the donation of power wash services for the Folger Home from All American Gutters & Power Washing of Avon Lake, Ohio. John Gaglione, resident, and owner of All American Gutters & Power Washing, offered to power wash the Folger House before the Eclipse Event, free of charge, to give back to the community.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mr. Kos moved to instruct the Clerk of Council to return the form to the Division of Liquor Control in the matter of a new liquor license for E & E Coffee LLC, dba Emilies Coffee House & Wine Bar, indicating the City does not request a hearing. The Police Chief had no objections to the new liquor license application, and the City will not request a hearing.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mrs. Fenderbosch moved to accept the recommendation of the Planning Commission on April 2, 2024, for the approval of the preliminary plat for a major subdivision project on Pin Oak Parkway submitted by Christ Church Westshore (Church) and Schaefer Development Company, LTD. The approval of this preliminary plat will provide the City with the economic development of six new businesses and create an alternate exit for the Church via Pin Oak Parkway.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mrs. Fenderbosch moved to authorize the Public Works Director to advertise for Request for Qualifications (RFQ) for architectural services for City Hall. City Hall needs architectural services to renovate the areas affected by water damage and to redesign other areas for new use.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

Mr. Arnold moved to authorize the Community Development Director to advertise for Request for Proposals (RFP) for the Economic Recovery and Resiliency Plan. The City received a grant for \$150,000, with the City's share being \$75,000. The next step is to contract with a firm to provide services identified in the grant.

Mrs. Fenderbosch stated that the Economic Recovery and Resiliency Plan is part of the City's Land Use Plan, and it needs to be established for federal or state funding for infrastructure and planning.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch
No: None
Motion carried.

LEGISLATION

Third Reading:

Ordinance No. 24-35, AN ORDINANCE ESTABLISHING PETTY CASH OR CHANGE FUNDS FOR VARIOUS CITY DEPARTMENTS OR FUNDS, INCREASING THE PETTY CASH FUNDS FOR OTHER DEPARTMENTS OR FUNDS, REPEALING ORDINANCE NOS. 68-2011 AND 33-2018, AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for passage of Ordinance No. 24-35. This legislation will establish petty cash in the following departments: Engineering, in the amount of \$100; Fire, in the amount of \$100; Police, in the amount of \$100; Lorain County Rural Wastewater District (LORCO), in the amount of \$1,000; Recreation, in the amount of \$100; The Anchor, in the amount of \$150; Sewer, in the amount of \$200; and Water, in the amount of \$200.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Ordinance No. 24-35 adopted.

Second Readings:

Ordinance No. 24-43, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF PART-TIME RECORDS CLERK, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, was read by title only.

This legislation will adopt a job description for the position of part-time Records Clerk and establish the qualifications and duties for the position.

Resolution No. 24-45, A RESOLUTION AUTHORIZING THE SALE OF UNNEEDED AND OBSOLETE VEHICLES IN THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-45. This legislation will authorize the sale of the following unneeded and obsolete vehicles:

1999 Sterling SC8000 VacAll, 1998 Freightliner FL70 Utility Truck, 1990 Ford F250, and 2000 Ford F350.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Resolution No. 24-45 adopted.

Resolution No. 24-49, A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO DISBURSE THE 2023 JOB GROWTH INCENTIVE PROGRAM AWARDS AND DECLARING AN EMERGENCY, was read by title only.

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

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Mr. Arnold moved for passage of Resolution No. 24-49. This legislation will authorize the Finance Director to disburse the 2023 Job Growth Incentive Program awards totaling \$137,280.62 to over 100 Avon Lake businesses. Whenever a local business has payroll growth, either through the addition of employees or an increase in payroll, they will receive an award based on a percentage of said growth. For the first year of growth, 35% is awarded. If there are consecutive years of growth, the award is increased to 45%, 55%, 65%, 75%, 85%, and 95%, for seven or more years. The maximum amount awarded yearly is \$50,000.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Resolution No. 24-49 adopted.

First Readings:

Ordinance No. 24-50, AN ORDINANCE PROVIDING FOR TRANSFERS AND DECLARING AN EMERGENCY, was read by title only.

Council President O'Donnell moved for suspension of the rule requiring three readings.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Council President O'Donnell moved for passage of Ordinance No. 24-50. This legislation will permit the Finance Director to transfer funds totaling \$4,717,000 for January, February, and March, as follows:

\$3,250,000	General Fund
\$750,000	Income Tax Improvement Fund
\$562,500	General Bond Retirement Fund
\$154,500	Recreation Fund

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Ordinance No. 24-50 adopted.

Resolution No. 24-51, A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACT AWARDED IN 2024 AND DECLARING AN EMERGENCY, was read by title only.

Mrs. Fenderbosch moved for suspension of the rule requiring three readings.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Resolution No. 24-51. This legislation will authorize the City's participation in ODOT's annual road salt bid according to Ohio Revised Code 5513.01(B).

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Resolution No. 24-51 adopted.

Ordinance No. 24-52, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR MASTER PLANS EXAMINER AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute two-year professional services agreements for Master Plans Examiner with Makovitz and Pusti, a CPL Company of Cleveland, Ohio, and Sixmo of Cleveland, Ohio, at the hourly rate of \$100. The City is required to have a Master Plans Examiner approve building plans and specifications according to the Ohio Building Code.

Mrs. Fenderbosch moved for adjournment.

Yes: Gentry, Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch

No: None

Motion carried.

Adjournment: 9:20 p.m.

Approved: */s/ Martin E. O'Donnell*
Council President

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