

**MINUTES OF THE REGULAR MEETING
OF THE AVON LAKE MUNICIPAL COUNCIL
APRIL 22, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on April 22, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Mr. Kos 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.

PROCLAMATION

Mr. Kos introduced National Dog Therapy Appreciation Day and welcomed representatives from Caring Canine.

Mayor Spaetzel proclaimed April 30, 2024, as National Dog Therapy Appreciation Day and presented his Proclamation to Christine Spaetzel and her therapy dog, Tikka.

The following individuals addressed Council:

Colleen Monroe, Fairview Hospital's Caring Canines Coordinator, stated that Christine Spaetzel and her therapy dog, Tikka, have volunteered for 11 years at Fairview Hospital; before Tikka, Christine volunteered for 3 years with another of her therapy dogs, Jetta. The hospital staff, visitors, and patients, especially patients in the pediatric ward, enjoy these visits from Christine and Tikka. Therapy animals bring many benefits to people at hospitals, including a reduction in blood pressure, lower heart rates, and decreased anxiety. They also have a positive effect on pain levels and patient satisfaction in their hospital stay.

Mike Falatach, a trainer with Bright & Beautiful Therapy Dogs, said that only five Ohio dog therapy organizations are certified by the American Kennel Club. He trains dogs and handlers. A certified dog is a special dog, along with its handler. A handler must be the right person for the dog: someone outgoing, compassionate, and willing to volunteer.

Robin Love, who has been affiliated with the Caring Canines Pet Therapy Program at Fairview Hospital for 29 years, stated that the Program does not discriminate against dogs. It has had a dog with three legs, a blind and deaf dog, a dog trained by a prison inmate, and one dog affiliated with Canine Companions for Independence. There have been over 120 dogs (24 breeds) have participated in the Program.

APPROVAL OF MINUTES

The minutes of the Council Meeting on March 11, 2024, were approved as amended and published.

MAYOR'S REPORT

Mayor Spaetzel reported that the Avon Lake Police Department will host National Prescription Take Back Day on Saturday, April 27, 2024, from 10 a.m. to 2 p.m. Residents are encouraged to take their outdated or unused medications to the Safety Center for disposal.

The Avon Lake Kiwanis Club will host the *State of the City Address* on Thursday, April 25, 2024, at the Avon Lake Public Library at 7 p.m.

COUNCIL PRESIDENT'S REPORT

Council President O'Donnell reported that the next Collective Committee Meeting will be held on Monday, May 6, 2024, at 7 p.m., and the next regular Council Meeting will be held on Monday, May 13, 2024, at 7 p.m.

PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Liskovec reported on the following:

1. The start date for Walker Road, Phases 3 and 4, has been delayed two weeks based on the contractor's current schedule. All construction signage has been placed at the site.
2. York Street Sanitary Main Replacement Project will start on Thursday, April 25, 2024.
3. The compost tractor arrived at the Public Works Department on April 19, 2024. Director Liskovec and Finance Director Widman will file the reimbursement paperwork for the Ohio EPA Community Recycling Grant.

BUILDING AND UTILITIES COMMITTEE REPORT

The next meeting of the Building and Utilities Committee will be held on Monday, May 20, 2024, at 5 p.m. in the Council Chamber.

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

Mr. Kos reported on the meeting of the Public Safety and Health Committee held on April 17, 2024. The following items were discussed:

1. Police Chief Molnar gave an update on blinking stop signs in the City and recommended installing blinking stop signs at various locations: Dakota Run and Williamsburg Drive, Westwinds Drive and Bay Hill Drive, and Redwood Boulevard and Inwood Drive.
2. Mr. Kos met with Police Chief Molnar, Community Development Director Esborn, Planning & Zoning Manager La Rosa, others from the City, and the Lorain County Health Department to discuss County and State grant opportunities on safety projects.
3. A speeding issue on Woodstock Avenue.

Mr. Kos noted that the Memorandum of Understanding for the Pathmaster Gate and Traffic Light Controls, displayed at the Work Session on April 15, 2024, is not ready for its first reading tonight. It will be presented at the next regularly scheduled Council Meeting on May 13, 2024.

Lorain County Health Director Mark Adams will attend a Council Work Session on Monday, May 6, 2024, at 7 p.m.

PUBLIC SERVICE COMMITTEE REPORT

The next meeting of the Public Service Committee will be held on Tuesday, May 14, 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.

ZONING BOARD OF APPEALS REPORT

The next meeting of the Zoning Board of Appeals will be held on Wednesday, April 24, 2024, at 7 p.m. in the Council Chamber.

TREE COMMISSION REPORT

Mrs. Fenderbosch reported that the Public Works Department will prepare tree saplings on Wednesday, April 24, 2024, at 1:30 p.m. at the Public Works Garage. The tree saplings will be given to fifth graders at Troy Intermediate School and St. Joseph's School on Arbor Day.

The Tree Commission organized a Field Day for the fifth graders at the Lorain County Metroparks French Creek Reservation on Thursday, April 25, 2024, to celebrate Arbor Day. Students will participate in activities with forestry specialists.

Mayor Spaetzel will issue a proclamation for Arbor Day on Thursday, April 25, 2024, at 2 p.m. at the Fire Department.

SOLAR ECLIPSE SUPPORT AD HOC COMMITTEE

Mr. Kos reported on the final meeting of the Solar Eclipse Support Ad Hoc Committee held on April 17, 2024. At that meeting, Recreation Director Fach presented his findings along with the Community's feedback on the City's activities for the Solar Eclipse. Police Chief Molnar and Fire Chief Betsa reported that no major safety or health issues occurred. The Event was extremely well planned for safety. The revenues were \$135,907, and expenses were \$310,000. The largest expenditure was \$70,000 for overtime coverage in personnel. There were capital expenditures for equipment, such as \$32,000 for radios, \$22,000 for a utility vehicle, and other miscellaneous items. These capital items will also be used in the future. The Recreation Department staff attended the Committee meeting and were recognized for their work, which spanned 18 months of planning. The Community enjoyed the event. The City welcomed visitors from many states; officially, 16 states were represented.

This Ad Hoc Committee was formed to support the Solar Eclipse Event and to streamline the legislative process of contracts. Mr. Kos thanked former Mayor Greg Zilka for his foresight to assemble a team and give them direction. The team was comprised of staff members from several City Departments. Mr. Kos acknowledged former Councilwoman Billie Jo David as a member of the Ad Hoc Committee when it was established.

MOTIONS

Ms. Gentry moved to authorize the City Engineer to advertise for bids for the Edgewood Drive Outfall Rehabilitation Project. The City Engineer recommended Council's approval to advertise bids for this project and the following two projects on Lake Road. There are 36 outfalls along Lake Erie, and many need rehabilitation. Therefore, the restoration of outfalls has been prioritized. When the bid packets have been finalized, they will be advertised.

Mayor Spaetzel stated that these projects were budgeted and needed immediate action. There will be other outfalls in need of restoration in the future. The City is waiting to receive final permits and having Council's approval now will help expedite the process after the permits have been received.

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

No: None

Motion carried.

Ms. Gentry moved to authorize the City Engineer to advertise for bids for the 31900 Lake Road Outfall Rehabilitation Project.

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

No: None

Motion carried.

Ms. Gentry moved to authorize the City Engineer to advertise for bids for the 31922 Lake Road Outfall Rehabilitation Project.

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

No: None

Motion carried.

Mr. Shahmir moved to authorize the Community Development Director to submit a grant application for the Ohio Senate Capital Budget/OTSCIF for "Renew ALPS" (Avon Lake Play Space).

Mayor Spaetzel stated that the City has dedicated funds for ALPS and is eligible to apply for \$500,000 for Renew ALPS through the Ohio Senate Capital Budget, One-Time Strategic Community Investment Fund (OTSCIF).

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

No: None

Motion carried.

Mr. Kos moved to authorize the sunset of the Solar Eclipse Support Ad Hoc Committee.

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

No: None

Motion carried.

LEGISLATION

Third Reading:

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.

Mr. Zuber moved for passage of Ordinance No. 24-43. This legislation will adopt a job description for the position of part-time Records Clerk and establish the qualifications and duties for the position. It is hoped that the position will be filled this year.

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

No: None
Motion carried.
Ordinance No. 24-43 adopted.

Second Readings:

Ordinance No. 24-52R¹, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR MASTER PLANS EXAMINER AND DECLARING AN EMERGENCY, was read by title only.

Ms. Gentry moved for suspension of the rule requiring three readings.

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

Ms. Gentry moved for passage of Ordinance No. 24-52R. This legislation will authorize the Mayor to execute two-year professional services agreements with CPL Architects, Engineers, Landscape Architects D.P.C. of Berea, Ohio, and Sixmo, Inc., of Cleveland, Ohio, as secondary Master Plans Examiner, at the hourly rate of \$100.

Yes: Kos, O'Donnell, Shahmir, Zuber, Arnold, Fenderbosch, Gentry
No: None
Motion carried.
Ordinance No. 24-52R adopted.

First Readings:

Ordinance No. 24-53, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute a personal services agreement with HZW Environmental Consultants, LLC, of Mentor, Ohio, to monitor the closed landfill in an amount not to exceed \$76,300.

Public Works Director Liskovec stated that the City's landfill is in its 30th year of closure. It is the City's goal to navigate the landfill closure status with the Ohio EPA for subsequent favorable years whereby the site will not be monitored as stringently as it has. HZW has filed the required paperwork with the Ohio EPA, who will give their recommendations later this year.

Mrs. Fenderbosch stated that if the Ohio EPA approves all levels of closure, then the City may not be assessed the full amount of \$76,300.

¹ The name of the Master Plans Examiner changed from Makovich & Pusti Architects, Inc., a CPL Company of Berea, Ohio at the first reading to CPL Architects, Engineers, Landscape Architects D.P.C. of Berea, Ohio.

Ordinance No. 24-54, AN ORDINANCE PROVIDING CONTINUED LEGAL COUNSEL REGARDING ZONING MATTERS PURSUANT TO THE REDEVELOPMENT OF THE AVON LAKE POWER PLANT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will continue legal services with Berns, Ockner & Greenberger regarding zoning matters associated with the redevelopment of the Power Plant in an amount not to exceed \$25,000.

Mr. Arnold stated that the initial retainer of \$25,000 has been exhausted, and additional funds are necessary for the continued representation of Berns, Ockner & Greenberger regarding zoning matters and the Development Agreement for the Power Plant between the City and Avon Lake Environmental Redevelopment Group (ALERG).

Ordinance No. 24-55, AN ORDINANCE PROVIDING CONTINUED LEGAL COUNSEL AND DECLARING AN EMERGENCY, was read by title only.

This legislation will continue legal services with Attorney Todd Davis regarding the brownfield redevelopment of the Power Plant for an amount not to exceed \$35,000.

Mr. Arnold stated that the City retained Attorney Todd David in 2022 regarding brownfield redevelopment. The initial retainer was \$35,000, and this will be the fourth time that the City has extended the retainer totaling \$145,000. It is anticipated that the City will not expend this full amount of \$35,000 and will only seek Attorney Davis services on an as-needed basis.

Ordinance No. 24-56, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED AND RESTATED LEASE WITH AVON LAKE BOAT CLUB, INC., AND DECLARING AN EMERGENCY, was read by title only.

This legislation will authorize the Mayor to execute the amended and restated lease with Avon Lake Boat Club, Inc. (Boat Club). In 2017, the City and Boat Club entered a lease, and its renewal is under consideration. The restated lease has an expiration date of December 31, 2037. Previously, the lease with the Boat Club was 10 years and required \$10,000 payments per year for a total of \$100,000. Payments were made in two \$50,000 installments. The first one was paid in 2017, and the second one was paid in 2022. Based on the Boat Club's community activities, the City agreed that the lease would be reduced to \$6,000 per year, payable in two installments of \$30,000 each on April 1, 2025, and April 1, 2030. No further payments will be received. This will give the Boat Club security and the ability to apply for grants based on a long-term relationship between the Boat Club and the City.

Commodore Ray Frank of the Avon Lake Boat Club stated that the Boat Club has been in existence for over 75 years. It was started by veterans returning from World War II. Since that time, the Boat Club has grown and become more active in the Community. For 35 years, the Boat Club has hosted a yearly Valentine's Day Perch Fish Fry at Beachpark Tower for its residents yearly. For 5 years, the Boat Club has hosted a

Fishing Derby at Walker Road Park for kids. The next Fishing Derby will be held on Saturday, May 4, 2024. The date coincides with the beginning of the fishing season to encourage more opportunities for kids to learn about fishing throughout the season. This year, the Boat Club and Recreation Department has worked with the Ohio Department of Natural Resources (ODNR) to stock the pond with Rainbow Trout. The Boat Club is also involved with Community Resources Services (CRS) and has hosted yearly food drives.

Ordinance No. 24-57, AN ORDINANCE TO DESIGNATE A PORTION OF LAKE ROAD AS A BUSINESS DISTRICT PURSUANT TO CODIFIED ORDINANCE SECTION 402.07 AND TO MODIFY THE SPEED LIMIT ON LAKE ROAD PURSUANT TO CODIFIED ORDINANCE SECTION 434.03 TO BE TWENTY-FIVE MILES PER HOUR (25 mph) ONLY WITHIN THE BUSINESS DISTRICT AND DECLARING AN EMERGENCY, was read by title only.

This legislation will formally establish a business district and set a speed limit at 25 mph for a portion of Lake Road under the authority of the City Charter and the Ohio Constitution. The 25-mph speed limit will be restricted to the business district on Lake Road, which is approximately 417 feet east of Moore Road and 1,095 feet west of Moore Road, for a total of 1,512 feet or .29 miles. A speed limit of 35 mph will be set outside the business district. Over the past year, two Administrations researched to uncover the authority given to the City to change the speed limit on Lake Road from 35 mph to 25 mph. After searching through boxes stored in the basement of City Hall, Mayor Spaetzel found a file from 1989/1990 with a traffic study on Lake Road around Avondale Avenue to Miller Road Park. Mayor Hausrod requested the Ohio Department of Transportation (ODOT) to reduce the speed limit to 25 mph; however, ODOT did not grant the speed reduction. That's where the story ended. That is the last authority on record. Therefore, the City must reinstate the 35-mph speed limit starting west of Beach Park Station and extending to the Sheffield Lake border.

In response to Mrs. Fenderbosch, Law Director Ebert stated that the existing speed limit signs will be removed, and new signs will be installed by City staff. The measurements of the speed limit zone were calculated by City Engineer Chris Howard.

PUBLIC INPUT

Sam Naumann, Environmental Affairs Advisory Board Chair, 246 Fairfield Road, Avon Lake, informed Council that Scott Cameron of Charah resigned from the Board. Mr. Cameron provided the Board with updates on the Power Plant. The Board would like to fill its vacancy with another industry member who could speak on the redevelopment project, or another stakeholder related to the project.

Mr. Naumann stated that Finance Director Widman told him that the EAAB budget was approved, and he thanked Council for their support. He explained that the budget was expanded to include \$750 for a partnership with the Avon Lake City School Foundation to develop a program that will encourage students to conduct environmental impact studies and provide them the opportunity to include these studies on their resume as

they pursue higher education in the field of environmental studies.

Garth Peterson, 156 Curtis Drive, Avon Lake, informed Council that he has been working on an investigation with Councilwoman Gentry regarding the Verizon outage last January. He was able to obtain objective evidence from the City of Westlake, which verified that there was an outage. He has spoken with representatives at Verizon numerous times, and they have lied to the City about there not being an outage on record. The City of Westlake advised him to file a grievance with the Public Utilities Commission of Ohio (PUCO) against Verizon for that action. AT&T has acknowledged some of their outages to their customers. He recommended that everyone tell Verizon they should be credited for this outage. He will keep the City apprised of the PUCO findings and how Verizon plans to proceed.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Mrs. Fenderbosch announced that the Annual Plant Sale of the Avon-on-the-Lake Garden Club will be held on Saturday, May 11, 2024, from 9 a.m. until 12 p.m. at the Goddard School on 430 Avon Belden Road. EAAB will give away tree saplings at this event. All monies collected support the 10 civic gardens in the City maintained by the Garden Club.

Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 7:53 p.m.

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

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