

**MINUTES OF THE REGULAR MEETING  
OF THE AVON LAKE MUNICIPAL COUNCIL  
MAY 13, 2024**

The regular meeting of the Avon Lake Municipal Council was called to order on May 13, 2024, at 7 p.m. in the Council Chamber with Council President O'Donnell presiding.

Council President O'Donnell led Council, staff, and the public in the Pledge of Allegiance.

Council held a moment of silence for National Peace Officers Memorial Day, and in memory of Police Officer Jacob Derbin of the Euclid Police Department, who was killed in the line of duty on May 11, 2024.

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 18, 2024, and a regular Council Meeting on March 25, 2024, were approved as prepared and published.

#### **MAYOR'S REPORT**

Mayor Spaetzel reported that the Memorial Day Parade and Ceremony will be held on Monday, May 27, 2024, at Avon Lake High School at 10 a.m. The Parade route begins at the High School and ends at Veterans Memorial Park where a Ceremony to remember those who died while serving in the United States Military will occur. Any Veteran or Avon Lake organization that wants to participate in the festivities are asked to email [AvonLakeMemorialDay@avonlake.org](mailto:AvonLakeMemorialDay@avonlake.org) by May 15, 2024.

The first draft of the Redistricting of City Wards was received. As per the City Charter, Council shall review the Ward division and consider redistricting after the decennial census year, and Triad Research Group has been contracted to facilitate this project.

Regarding the Power Plant, there has been confusion about the ownership of the property north of Lake Road. The City does not own the property. It is owned by Charah Solutions, doing business as Avon Lake Environmental Redevelopment Group (ALERG). The demolition of the Power Plant continues on the north side of Lake Road. In April, Charah Solutions reported on the remediation process and environmental work being undertaken, and the demolition schedule is available on the City's website. ALERG continues to market the property to developers, and the City is

creating a development agreement. The property between Lake Road and Walker Road, known as the Coal Pile, is under a purchase agreement with Avon Lake Regional Water (ALRW), and it is undergoing environmental due diligence by Verdantas. Verdantas is an environmental company contracted by the City and ALRW. ALRW will use funds received by a State grant for environmental testing of this area along with the stormwater retention pond, and sensors on the stormwater outflow pipe will capture samples. Random testing of the water in the pond and borings will be conducted outside of the pond area. There are no concerns with the results; however, testing is still ongoing.

Mr. Shahmir stated that he spoke with the Ohio Environmental Protection Agency (EPA) Division of Surface Water, who informed him that they did not approve the pond connection and the runoff to the outfall and into Lake Erie. The City Engineer is the only person responsible for authorizing the connection and discharge. However, authorization was said to have been made by ALRW, and their assessment of the connection was based on engineering and not a quantitative or qualitative assessment of water contamination. The connection and the discharge are irrelevant to the sampling that is occurring now. It should have been done before the connection, and a policy is needed to prevent future discharges without proper documentation or assessments. This information is based on conversations he has had with the Ohio EPA and the Ohio Voluntary Action Program.

Mayor Spaetzel asked Mr. Shahmir for the names of the individuals he spoke with at the Ohio EPA so that he could speak with them directly. In response, Mr. Shahmir stated that he provided that information before and that he would send it again.

### **COUNCIL PRESIDENT'S REPORT**

Council President O'Donnell reported that the next Collective Committee Meeting will be held on Monday, May 20, 2024, at 7 p.m.

In observance of Memorial Day, Council will not meet on Monday, May 27, 2024. The rescheduled Council Meeting will be held on Tuesday, May 28, 2024, at 7 p.m.

### **PUBLIC WORKS DIRECTOR'S REPORT**

Public Works Director Liskovec reported on the following:

#### Walker Road, Phases 3 and 4, Paving Project

The contractor has completed the milling operations of Phase 3, and the pavement was inspected to determine areas in need of repair work. This week, the contractor will be mobilizing and, weather permitting, will begin pavement repairs.

### Gable Ditch

The contractor started work last Wednesday, which consists of limited but necessary clearing of the area for access. No work occurred due to the weather but the layout of the work was staked today.

### Rapid Rectangular Flashing Beacon (RRFB) Project

This project started last year, and the pavement markings have been preliminarily laid out by the Contractor. The permanent markings need to be installed.

## **HUMAN RESOURCES COMMITTEE REPORT**

Mr. Zuber reported on the items discussed at the following meetings of the Human Resources Committee:

### May 6, 2024, Special Meeting

1. The candidate for the position of Human Resources Director met with the Committee in Executive Session, and the appointment was forwarded to this meeting. Unfortunately, the candidate rescinded the offer because she found employment elsewhere.
2. The appointment of a part-time Bailiff at Avon Lake Municipal Court.

### May 13, 2024, Regular Meeting

1. Mayor's salary as per City Charter Section 20. The Committee recommended a Citizens Review Committee be established to review the salary of the Mayor and Council.
2. Increases to non-bargaining salaries as of July 1, 2024. The Committee will consider a 2% increase at the next meeting.
3. New full-time position in the Recreation Department based on the feedback of residents and the need to have additional coverage at the Senior Center; and
4. Police Dispatcher appointment.

## **PUBLIC SAFETY AND HEALTH COMMITTEE REPORT**

The next meeting of the Public Safety and Health Committee will be held on Thursday, May 16, 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, 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, June 4, 2024, at 7 p.m. in the Council Chamber.

## **ZONING BOARD OF APPEALS REPORT**

Mayor Spaetzel reported on the results of the Zoning Board of Appeals meeting held April 24, 2024, as follows:

1. An area variance to waive the requirement to extend utilities and public improvements to the southernmost property line on Armour Road and Electric Boulevard was denied.
2. An area variance of a 4' ornamental fence on the corner lot of 634 Parkside Drive was approved; and
3. An area variance to permit an addition to an existing single-family home at 33350 Ambleside Drive and a 1'9" encroachment into a 50-foot setback was approved.

## **AVON LAKE HISTORICAL PRESERVATION COMMISSION REPORT**

The meeting of the Avon Lake Historical Preservation Commission scheduled for Wednesday, May 22, 2024, has been canceled.

## **TREE COMMISSION REPORT**

Mrs. Fenderbosch reported that Tree Commissioner, Michael Thain, resigned because he will be moving to Westlake. The Commission's vacancy has been posted, and the deadline for submissions is Friday, May 31, 2024.

## **AVON LAKE COMMUNITY COUNCIL REPORT**

Council President O'Donnell reported that Avon Lake Community Council announced the 2023 Citizen of the Year and Project of the Year.

Carolyn Chatlos was selected as the 2023 Citizen of the Year. Mrs. Chatlos is a lifelong resident of Avon Lake and has over 48 years of volunteer service at St. Joseph's Catholic Church.

Blankets for Beds was selected as the 2023 Project of the Year. This project was initiated by Joe Matuscak, President of North Coast Rotary, in collaboration with Lisa Sebastian, owner of Ridge Cleaners. Over 2,000 blankets were collected by North Coast Rotary, Learwood Middle School, Avon Lake Public Library, and First Federal Lakewood Bank. Ms. Sebastian donated the cleaning and sanitizing services of Ridge Cleaner, and the blankets were distributed to Blessing House, Good Knights, Neighborhood Alliance Shelters, Veterans Organizations, Community Resource Services, and United Way Homeless Coalition.

An award ceremony will be held on Thursday, May 23, 2024, at 6 p.m. at Avon Lake Public Library.

## AUDIENCE PARTICIPATION

William Zimmerman, 241 Moorewood Avenue, Avon Lake, addressed Council relating to Ordinance No. 24-57. He stated that he filed a lawsuit against the City regarding the Lake Road speed limit, which he believed to be illegal. He and his attorney received documents from the City that state the City attempted to get a variance<sup>1</sup> in 1989 that would allow a section of Lake Road to become a business district; in 1990, it was rejected.<sup>2</sup> No one can tell him when and why the speed limit changed. The City is now making a small business area. It was his opinion that this “entire thing” was a charade, and it was an opportunity for the City to circumvent government. The Ohio Department of Transportation (ODOT) does not have any documentation on record since 1958. Based on the actions of the elected officials, he believed they had violated their Oath of Office and do whatever they want. On his way to this meeting, he noticed that Mr. Kos had parked illegally in a fire lane.

In response to Mr. Zimmerman’s accusations, Mr. Kos disagreed and referenced Codified Ordinance Section 452.03, Prohibited Standing or Parking Places. If the public wanted to review the City’s parking regulations, he cited the code section for their benefit.

## MOTIONS

Mr. Shahmir moved to authorize the Mayor, or his designee, to submit the NatureWorks grant application to the Ohio Department of Natural Resources (ODNR) for Avon Lake Play Space (ALPS).

The Administration discovered ODNR grants could be obtained for the ALPS project and recommended the City apply for one that could award up to \$500,000.

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

No: None

Motion carried.

Mr. Shahmir moved to authorize the Finance Director to issue payment in the amount of \$750 to the Avon Lake Schools Foundation for a Student Program sponsored by the Environmental Advisory Affairs Board (EAAB).

The EAAB recommended a mentoring program for a student or a group of students who would complete an environmentally related project that could be published

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<sup>1</sup> The City requested the State to reduce the speed limit in front of Miller Road Park from 35 mph to 25 mph.

<sup>2</sup>ODOT responded to the request on February 2, 1990, and stated that the section on U.S. 6 between Miller Road and Avondale Avenue did not warrant a reduction in the speed limit.

statewide or through a national institute and would provide the student(s) an opportunity to present their project at a conference. The EAAB agreed to sponsor \$750, and Mr. Shahmir stated that he will donate \$2,100 to the initiative.

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

Mr. Kos moved to authorize the Police Chief to submit an application to the Attorney General's Office for the Ohio Law Enforcement Bulletproof Vest Program.

Police Chief Molnar recommended the City apply for a grant to offset the cost to purchase 12 bulletproof vests in the amount of \$15,522.24. If awarded, the City will receive \$11,641.68 and pay the remaining balance.

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

Mrs. Fenderbosch moved to authorize the City Engineer to advertise for bids for the 2024 Street Program.

The Street Program consists of two parts, concrete and asphalt. Geotechnical services were contracted, and boring samples are being collected on the streets that need improvements. After those samples have been analyzed, the City Engineer will develop the bid specifications for said streets and advertise for bids.

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

## LEGISLATION

Mr. Zuber moved to remove Ordinance No. 24-59. The candidate considered for the Human Resources Director position has rescinded the City's offer.

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

### Second 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.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-53. 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 for an amount not to exceed \$76,300.

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

No: None

Motion carried.

**Ordinance No. 24-53 adopted.**

**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.**

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-54. This legislation will provide legal services from Berns, Ockner & Greenberger regarding zoning matters associated with the redevelopment of the Power Plant for an amount not to exceed \$25,000. The initial retainer of \$25,000 was exhausted, and additional funds are needed to finalize the Development Agreement between the City and ALERG.

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

No: None

Motion carried.

**Ordinance No. 24-54 adopted.**

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

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

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

No: None

Motion carried.

Mr. Arnold moved for passage of Ordinance No. 24-55. This legislation will provide continued legal services from Attorney Todd Davis for the brownfield redevelopment of the Power Plant for an amount not to exceed \$35,000. The City retained Attorney Davis in 2022, and his initial retainer was \$35,000. This is the fourth time that the City has extended the retainer for a total of \$140,000. It is anticipated that his services will be tempered over the next six months after the Development Agreement is in place.

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

No: None

Motion carried.

**Ordinance No. 24-55 adopted.**

**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.**

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-56. 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 for the area at Veterans Memorial Park, and its renewal is under consideration. The lease includes the storage room, the building, and the boat launch structure. The term of the restated lease will expire on March 31, 2037.

Law Director Ebert stated that he has worked with Commodore Ray Frank of the Avon Lake Boat Club, and the original base rate for years 11 through 20 was changed from \$10,000 per year to \$6,000 per year. A payment of \$30,000 shall be paid on April 1, 2025, and the balance of \$30,000 shall be paid on April 1, 2030.

Commodore Ray Frank voiced his appreciation for the good faith negotiations of the Mayor, the Law Director, and Council on behalf of the Boat Club. He reported on the recently held Kids' Fishing Derby. The Ohio Division of Natural Resources stocked the pond at Walker Road Park with 10- to 14-inch Rainbow Trout, and 185 children participated despite the threat of a thunderstorm. It was a great event. He thanked Cabela's for their generosity. The Boat Club was able to purchase over \$3,000 worth of prizes for the amount of \$1,500. Every participant received a prize.

Mr. Kos stated that as the City prepares for this year's Memorial Day festivities, it is appropriate to remember that the Boat Club was founded by World War II Veterans, and the Boat Club has continued to build on its legacy for over 75 years.



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

No: None

Motion carried.

**Ordinance No. 24-56 adopted.**

**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 according to the authority of the City Charter and the Ohio Constitution. Mayor Spaetzel discovered a 1990 document from Mayor Hausrod requesting that ODOT reduce the speed limit for a section of Lake Road by Miller Road Park (Avondale Avenue to Miller Road). A traffic study was conducted, and the request was denied by ODOT. Sometime after that denial, the speed limit was reduced. No further documents were found that supported this reduction. When ODOT was contacted for these documents, they didn't have any records. When Mayor Spaetzel found the documents, it was brought to Mr. Kos' attention and reviewed by the Public Safety and Health Committee. The Committee passed a motion to change the speed limit back to 35 mph based on the discovered document. Regarding the business district, the City determined that this area met the criteria established in the definitions of the Ohio Revised Code. Therefore, the City did not need to conduct a traffic study or obtain ODOT's approval. The definitions have been met, and the business district from Moore Road to the westernmost exit of the Beach Park Station was supported by the Law Director, City Engineer, Police Chief, and Mayor.

First Readings:

**Ordinance No. 24-58, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO DESIGN A PLAY SPACE IN BLESER PARK, KNOWN AS "RENEW AVON LAKE PLAY SPACE" (ALPS), AND DECLARING AN EMERGENCY, was read by title only.**

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

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

No: None

Motion carried.

Mr. Shahmir moved to amend the amount in Ordinance No. 24-58 from \$155,104 to \$165,105.

Law Director Ebert explained that the increase reflects the addition of electrical engineering to the proposal.

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

No: None

Motion carried.

Mr. Shahmir moved for passage of Ordinance No. 24-58. This legislation will authorize the Mayor to execute a personal services agreement with Kimley-Horn and Associates, Inc., of Akron, Ohio, for professional design and implementation services of a play space in Bleser Park for an amount not to exceed \$165,105.

Recreation Director Fach informed Council that the project will break ground this year, and it is anticipated that at least one piece of equipment will be installed. Construction of the playground will be completed in early 2025.

Ms. Gentry asked if the contract had a provision to hold Kimley-Horn accountable if the project is not completed within a specific time.

In response, Recreation Director Fach stated that there will be a general timeline of up to 12 months, and there isn't anything in the standard provisions to hold them to that timeline. The timeline has not been established, and the contract states it will be 8 to 12 months in duration.

Mayor Spaetzel explained that the project will be at the mercy of weather conditions and the delivery of equipment, and it will be completed as expeditiously as practical.

Mr. Kos asked when the design concept would be shared with the residents.

Recreation Director Fach replied that as soon as the contract has been signed, he will meet with representatives of Kimley-Horn and will be able to provide an answer to that question thereafter.

Council President O'Donnell urged the Administration to provide the public with continual updates on the project since many residents have forgotten that it was delayed because of a lawsuit, which the City won on appeal.

Ms. Gentry asked about the electrical contract and stated that one section in the contract states that Kimley-Horn will handle the lighting plan and another states that services are not included with the electrical design.

Recreation Director Fach explained the contract states electrical services are not included in the building permitting. The City handles the building permits, except electrical; electrical is now included in the proposal.

Mayor Spaetzel stated that page 4 of the contract outlines the utilities and lighting plans. When the contract was originally proposed, engineering was not included for the lighting. Instead of delaying the approval of this contract with another proposal for electrical, Kimley-Horn added it. Then on page 5, these services were not

included with the building permitting, except for electrical plans because it is included in the contract.

Mr. Shahmir stated that the amendment to this Ordinance in the amount of \$10,000 pertained to the addition of electrical engineering.

Mayor Spaetzle stated that Kimley-Horn originally quoted the amount of \$17,900, and the City was able to negotiate the amount to \$10,000.

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

No: None

Motion carried.

**Ordinance No. 24-58 adopted.**

**Ordinance No. 24-60, AN ORDINANCE CONFIRMING THE APPOINTMENT OF A PART-TIME DEPUTY BAILIFF IN THE AVON LAKE MUNICIPAL COURT, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY, was read by title only.**

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

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

No: None

Motion carried.

Mr. Zuber moved for passage of Ordinance No. 24-60. This legislation will confirm the appointment of Scott Fishburn as part-time Deputy Bailiff in the Avon Lake Municipal Court at the hourly rate of \$25.23, retroactive to May 7, 2024.

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

No: None

Motion carried.

**Ordinance No. 24-60 adopted.**

**Resolution No. 24-61, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN CIRCON ENVIRONMENTAL (CIRCON), LEGACY POINTE CONDOMINIUM ASSOCIATION NOS. 1 THROUGH 6, AND WATERSIDE CROSSINGS SOUTH NO. 3 CONDOMINIUM ASSOCIATION, INC., (ASSOCIATIONS) FOR THE INSTALLATION, MAINTENANCE, REPAIRS, AND REPLACEMENT OF PATH MASTER EQUIPMENT, AND DECLARING OF AN EMERGENCY, was read by title only.**

This legislation authorizes the Mayor to enter into a Memorandum of Understanding (MOU) with CIRCON, Legacy Pointe Condominium Association Nos. 1 through 6, and Waterside Crossings South No. 3 Condominium Association, Inc., for the installation, maintenance, repairs, and replacement of Path Master equipment. The Homeowners Associations (HOA) of gated communities within the City and the City agreed to the

installation of Path Master equipment at their entrances. Before the City signs a service agreement with Path Master and the purchase of equipment for the Priority/Preemptive System, a MOU must be signed by every HOA. Fire Chief Betsa will gather the signatures of the HOAs before the City proceeds.

Mrs. Fenderbosch stated that Legacy Pointe Condominium Association Nos. 1 through 6 are in her Ward (Ward 4). A citywide HOA meeting with the gated communities was held and HOA members attended and asked questions of Fire Chief Betsa. The MOU was sent to the HOAs along with the management firms of VIP and the Lawrence Group, and Fire Chief Betsa is awaiting their signatures.

**Ordinance No. 24-62, AN ORDINANCE AUTHORIZING THE PURCHASE OF THE APPLIED INFORMATION PRIORITY/PREEMPT SYSTEM AND CONNECTIVITY PLAN WITH PATH MASTER, INC., AND DECLARING AN EMERGENCY, was read by title only.**

This legislation will authorize a 10-year service contract and purchase of equipment from Path Master, Inc., of Twinsburg, Ohio, for the Priority/Preempt System and Connectivity Plan through the State of Ohio Cooperative Purchasing Program in the amount of \$275,786. The remaining balance of the American Rescue Plan Act (ARPA) funds will be used for this expenditure. This System has been installed in many communities, and it will greatly benefit the community by reducing emergency response times.

**Ordinance No. 24-63, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH BOWMAN APPRAISAL SERVICES, INC., FOR THE LOR-US 6-18.53 PROJECT AND DECLARING AN EMERGENCY, was read by title only.**

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-63. This legislation will authorize the Mayor to execute a personal services agreement with Bowman Appraisal Services, Inc., of Alliance, Ohio, for appraisal services associated with right-of-way plans for the LOR US 6-18.53 Lake Road Project from SR 83 east to Bay Village for an amount not to exceed \$59,475.

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

No: None

Motion carried.

**Ordinance No. 24-63 adopted.**

**Ordinance No. 24-64, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH TRANSYSTEMS REAL ESTATE CONSULTING, INC.,**

FOR THE LOR-US 6-18.53 PROJECT AND DECLARING AN EMERGENCY, was read by title only.

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

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

No: None

Motion carried.

Mrs. Fenderbosch moved for passage of Ordinance No. 24-64. This legislation will authorize the Mayor to execute a personal services agreement with TranSystems Real Estate Consulting, Inc., of Cleveland, Ohio, for right-of-way acquisitions of land from SR 83 east to Bay Village to connect sidewalks along LOR US 6-18.53 for an amount not to exceed \$465,166.

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

No: None

Motion carried.

**Ordinance No. 24-64 adopted.**

**Ordinance No. 24-65, AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) 2024 ENERGIZED COMMUNITY GRANT(S) AND DECLARING AN EMERGENCY, was read by title only.**

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

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

No: None

Motion carried.

Ms. Gentry moved for passage of Ordinance No. 24-65. This legislation will authorize the Mayor to execute a grant agreement with NOPEC and to accept community grants. The residents voted in favor of joining NOPEC as a community, and the City is eligible for one or more NOPEC-energized community grants annually. The grant amount is based on the number of Avon Lake customers in NOPEC, and the funds received must be used for energy-saving projects. This year, the City's grant award is \$65,324, and it must be accepted by June 30, 2024, and spent by November 30, 2026.

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

No: None

Motion carried.

**Ordinance No. 24-65 adopted.**

## **PUBLIC INPUT**

1. William Zimmerman, 241 Moorewood Avenue, Avon Lake, commented on Mr. Kos'

statements regarding the discovery of the documents from 1990 about the speed limit on Lake Road and said that he had been telling Council for a year about ODOT saying the speed limit on Lake Road was not appropriate.<sup>3</sup> He didn't understand Mr. Kos' statements since Mr. Zimmerman brought the speed limit issue to everyone's attention, and no one acknowledged that the City was wrong or fixed the speed limit. The City Engineer told him the City was trying to do what was right to move the speed limit to 35 mph. However, Mr. Kos claimed that it was brought to the Committee's attention and they acted. Mr. Zimmerman disagreed.

2. Kathy Fox, 32822 Rebecca Lane, Avon Lake, addressed Council regarding the organization, *Moms Demand Action (MDA) for Gun Sense in America*. She stated that MDA is not against owning guns or the Second Amendment. They are against the increase in gun violence that occurs every day in Ohio and across the County. MDA is working to curb gun violence through awareness. This is a major health crisis. It is the No. 1 killer of children in the United States. The first weekend in June was designated as Gun Violence Awareness Weekend. It was also known as, "Wear Orange". Orange is the color hunters wear to alert other hunters not to shoot them.

Mrs. Fox read a Proclamation issued by Mayor Spaetzle stating that the first Friday in June is declared to be National Gun Violence Awareness Day in the City of Avon Lake to honor and remember all victims and survivors of gun violence and to declare that the Country must do more to end this public health crisis. Ten years after Hadiya Pendleton was tragically killed at age 15, National Gun Violence Awareness Day was designated (June 2, 2023), which would have been Hadiya's 26<sup>th</sup> birthday. The public is asked to wear orange in tribute to her and other victims of gun violence on that day.

## MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

1. Mr. Shahmir addressed Council about the construction of Port Side subdivision. He has received complaints from residents on Liberty Rose Drive regarding the ongoing traffic at the construction site. They have expressed their concerns that an agreement to close Liberty Rose Drive to through and construction traffic is not being enforced. The construction traffic consists of heavy equipment moving through Liberty Rose Drive to the Port Side development site, and these vehicles are using Liberty Rose Drive as a shortcut. There have been fuel tankers delivering flammable fuels and vehicles from developments to the east of Port Side using Liberty Rose Drive as a cut-through to Lear Road. Liberty Rose residents believe no one has listened to their concerns. The summer break is approaching, and there are over 20 children who live off Liberty Rose Drive. Due to the transit on this road, there is a concern that there could be loss of life or injury. An agreement was made before the construction between the residents and the

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<sup>3</sup> The first time Mr. Zimmerman presented his concerns about the speed limit on Lake Road was at the September 11, 2023, Council Meeting.

developer to close off construction or any other traffic through that area. Mr. Shahmir displayed pictures and videos of the traffic and construction vehicles he described. Vehicles arrive early in the morning when children are waiting for the school bus. The road into the Port Side development was supposed to be closed until the completion of construction, and no one has responded to the residents' concerns. The City needs to either force the developer to abide by the agreement and close off the road, or the City should close it to prevent someone from potential injury.

Mr. Zuber requested discussion of this item be placed at next week's Collective Committee Meeting.

Mr. Kos stated that a similar scenario occurred in Ward 4 where construction vehicles were only permitted to travel on Miller Road. At some point, the City had to cite vehicles that violated that rule. He agreed that this should not happen and asked Mr. Shahmir if he talked with the Police Department.

Mr. Shahmir responded that he sent the video of the one vehicle speeding in Liberty Rose Drive to Police Chief Molnar. A Police car did go into the area, but the City cannot enforce this area continuously. Unless the City forces the closure of the road connecting Liberty Rose Drive to Port Side, as per the agreement, this issue will continue.

Council President O'Donnell asked Mr. Kos to bring this issue to the Public Safety and Health Committee meeting scheduled for this week. Mr. Kos stated that he would include this issue on the agenda provided that Law Director Ebert is available and the agreement is produced for the Committee's review.

Mrs. Fenderbosch stated that someone would need to ask the Community Development Department about the agreement. When former Councilwoman Billie Jo David was in office, there was a lot of discussion about how to protect that neighborhood during construction and after. This is the same location where the residents wanted to have markings on the road to indicate where to turn left or right. It must be closed. Some individuals live on the street and care for their grandchildren during the summer months, and altogether there are over 21 children on this one street.

Mr. Shahmir explained that he spent almost two months observing the traffic in the neighborhood, and he was almost hit by a speeding vehicle while standing on the side of the road. There is a traffic circle, but people travel down that circle incorrectly. Understandably, they believe they can drive in that manner because homes haven't been constructed. They believe they can do whatever they want. However, it is very important to close off this area so the impact on Liberty Rose Drive is minimized.

2. Mrs. Fenderbosch thanked the community for their support at the Avon-on-the-Lake Garden Club Plant Sale last Saturday, May 11, 2024. The event exceeded their expectations and was a great success in raising funds for the 10 community gardens.
3. Mr. Shahmir announced that the Environmentally Speaking Series: Environmental Impacts and Challenges of Avon Lake Power Plant Redevelopment Project will be held on May 14, 2024, at the Avon Lake Public Library at 7 p.m.


Mrs. Fenderbosch moved for adjournment.

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

No: None

Motion carried.

Adjournment: 8:23 p.m.

Approved:   
Council President

Attest:   
Clerk of Council