



VOTING ORDER

J. Fenderbosch
A. Gentry
D. Kos
M. O'Donnell
R. Shahmir
K. Zuber
Z. Arnold

CITY OF AVON LAKE

150 Avon Belden Road
Avon Lake, Ohio 44012

The following business is to be considered at the regular meeting of the Avon Lake City Council on July 8, 2024, at 7 p.m. in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Arnold, Mrs. Fenderbosch, Ms. Gentry, Mr. Kos, Mr. O'Donnell, Mr. Shahmir, Mr. Zuber, Mayor Spaetzel, Law Director Ebert, Finance Director Widman, Public Works Director Liskovec.

Approval of Minutes: June 10, 2024, Council Meeting.

Correspondence

Reports

Mayor
Council President
Law Director
Finance Director
Public Works Director
Standing Committees
Special Committees

Audience Participation

Motions

Accepting a donation of \$2,000 for the Fourth of July Fireworks from Avon Lake Environmental Redevelopment Group (ALERG). ***Sponsor: M. O'Donnell.***

Instructing the Clerk of Council to return the form to the Division of Liquor Control in the matter of a new liquor license for 732 Tavern, LLC, dba One Oak, 732 Avon Belden Road, Avon Lake, indicating the City does not request a hearing. *Sponsor: D. Kos*

Approving South Port Subdivision No. 3 Improvement Plan, subject to final approval by Avon Lake Regional Water. *Sponsor: J. Fenderbosch.*

Approving Legacy Isle Subdivision No. 3 Improvement Plan, subject to the conditions outlined by the City Engineer and Public Works Director, including street signage installation and obtaining FEMA approval regarding basements. *Sponsor: J. Fenderbosch.*

Legislation

Third Reading:

Ordinance No. 24-78, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT TO ACQUIRE TWO WESTERN STAR 47X CHASSIS CABS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY. *Sponsor: J. Fenderbosch.*

Second Reading:

Ordinance No. 24-93, AN ORDINANCE TO RE-ESTABLISH WARD BOUNDARIES FOR THE CITY OF AVON LAKE PURSUANT TO THE REQUIREMENTS OF THE AVON LAKE CITY CHARTER AND DECLARING AN EMERGENCY. → *Sponsor: M. O'Donnell.*

First Readings:

Ordinance No. 24-96, AN ORDINANCE AWARDED A PERSONAL SERVICES CONTRACT TO SIMVAY SYSTEMS, LLC, FOR THE TRANSITION OF THE CITY'S PHONE SYSTEM TO THE CISCO WEBEX ENTERPRISE CALLING PLATFORM IN CERTAIN MUNICIPAL BUILDINGS AND DECLARING AN EMERGENCY. → *Sponsor: R. Shahmir.*

Ordinance No. 24-97, AN ORDINANCE AUTHORIZING PAYMENT TO TYLER TECHNOLOGIES, INC., FOR SOFTWARE SUPPORT AND LICENSING OF THE CITY'S FINANCIAL SOFTWARE AND DECLARING AN EMERGENCY. → *Sponsor: R. Shahmir.*

Resolution No. 24-98, A RESOLUTION ADOPTING AND DECLARING THE 2025 TAX BUDGET AND DECLARING AN EMERGENCY. → *Sponsor: M. O'Donnell.*

Ordinance No. 24-99, AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH PATH MASTER, INC., AND DECLARING AN EMERGENCY. → *Sponsor: M. O'Donnell*

Ordinance No. 24-100, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY. → *Sponsor: D. Kos.*

Ordinance No. 24-101, AN ORDINANCE AUTHORIZING THE MAYOR TO APPROPRIATE ADDITIONAL FUNDS TO A PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY. → *Sponsor: J. Fenderbosch.*

Ordinance No. 24-102, AN ORDINANCE APPROVING THE HARBOUR PLANNED UNIT DEVELOPMENT (PUD) SUBDIVISION NO. 4 FINAL PLAT AND DECLARING AN EMERGENCY. → *Sponsor: J. Fenderbosch.*

Ordinance No. 24-103, AN ORDINANCE APPROVING PORT WEST SUBDIVISION NO. 5 FINAL PLAT AND DECLARING AN EMERGENCY. → *Sponsor: J. Fenderbosch.*

Ordinance No. 24-104, AN ORDINANCE AUTHORIZING THE MAYOR TO ESTABLISH COMPENSATION FOR CERTAIN PART-TIME EMPLOYEES, REPEALING ORDINANCE NO. 22-145, AND DECLARING AN EMERGENCY. *Sponsor: K. Zuber.*

Public Input

Miscellaneous Business and Announcements

Adjournment

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT TO ACQUIRE TWO WESTERN STAR 47X CHASSIS CABS FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Public Works Director and the Public Service Committee have recommended the purchase of two salt trucks, and the City desires to contract with Valley Freightliner, Inc., of Parma, Ohio, to purchase two Western Star 47X chassis cabs; and

WHEREAS, Valley Freightliner, Inc., of Parma, Ohio, is a party to a cooperative purchasing contract with Sourcewell, a public service cooperative created by the State of Minnesota, under the authority of Minn. Stat. § 123A.21, to provide programs and services to public entities and to solicit, evaluate, and award cooperative purchasing contracts through a competitive bidding process for goods and services for all eligible government, education, and nonprofit agencies in the United States and Canada; and

WHEREAS, by entering into this agreement with Valley Freightliner, Inc., of Parma, Ohio, through its contract with Sourcewell, the City can purchase two salt trucks under the same terms and conditions but at a lower cost than what it could acquire through its own selection process.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Valley Freightliner, Inc., of Parma, Ohio, submitted through Sourcewell, to supply the City with two Western Star 47X chassis cabs for the Public Works Department, in the amount of \$513,540 be, and it is hereby accepted and approved.

Section No. 2: That the Mayor is hereby authorized to execute a Lease Agreement with Huntington Bank to provide financing for six years for two Western Star 47X chassis cabs at a total annual cost of approximately \$96,639.75 such Lease Agreement to be substantially in form and substance acceptable to the Mayor and the Law Director.

Section No. 3: That upon delivery to the Public Works Department of two Western Star 47X chassis cabs with the proper specifications to the full satisfaction of the Public Works Director, the Finance Director is hereby directed to deliver the warrant of this City to Valley Freightliner, Inc., in the amount specified in the Lease Agreement.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to provide the Public Works Department with equipment to promptly and efficiently perform their duties and to further take advantage of Sourcewell's pricing, thus for the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 6/10/2024

2nd reading: 6/24/2024

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE TO RE-ESTABLISH WARD BOUNDARIES FOR THE CITY OF AVON LAKE PURSUANT TO THE REQUIREMENTS OF THE AVON LAKE CITY CHARTER AND DECLARING AN EMERGENCY.

WHEREAS, Section 3A of the Avon Lake City Charter provides, in part, the following:

“DIVIDING AND REDIVIDING THE CITY INTO WARDS.

“(a) The Council shall, not later than July 1, 1991, divide the Municipality into the number of wards which equals the number of members of the legislative authority to be elected from wards, as required by this Charter. Wards so formed shall be as nearly equal in population as is practically possible, and shall be composed of contiguous and compact territory, and bounded by natural boundaries or street lines.

“(b) In order to maintain substantially equal population in each of the wards on a continuing basis, the Council may redivide the Municipality into the required number of wards at any time for such purpose. It shall review ward division and redivision, within ninety (90) days after the first day of July of the year following the decennial census year, to determine if a redivision is necessary to comply with the provisions of this section.”; and

WHEREAS, this Council has caused a re-examination of said Ward boundaries to be made and has recommended that certain alterations in boundary lines should be made to meet the requirements of said City Charter provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the present Ward boundaries be, and they are hereby altered and established to comply with the detailed description as set forth in Exhibit No. 1 and the illustrated map as designated on Exhibit No. 2, both attached hereto and made a part hereof.

Section No. 2: That a certified copy of this Ordinance shall be immediately, upon its passage, transmitted by the Clerk of this Council to the Lorain County Board of Elections.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the

public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of complying with the requirement of the Avon Lake City Charter to review the Ward division and redivision completed and to provide equal representation to the citizens of the City, thus for the health, safety, and welfare of the citizens of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 6/24/2024

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AVON LAKE, OHIO, 2024 WARD BOUNDARY DESCRIPTIONS
(See Exhibit No. 1)

Ward 1

1. Beginning on a point being the intersection of the northerly corporation line and the easterly corporation line of the City of Avon Lake at the shoreline of Lake Erie;
2. Thence heading southerly along the eastern corporation line to the southern corporation line of the City of Avon Lake;
3. Thence westerly along the southern corporation line to Lear Road;
4. Thence northerly along the centerline of Lear Road to Lake Road;
5. Thence easterly along the centerline of Lake Road to North Point Drive;
6. Thence northerly along the centerline of North Point Drive extending from the point of its closest proximity to the shoreline of Lake Erie; and
7. Thence easterly along the north corporation line back to the point of beginning herein containing properties to be known as Ward 1.

Ward 2

1. Beginning on a point being the northerly corporation line of the City of Avon Lake at the shoreline of Lake Erie and also being an extension out into Lake Erie of North Point Avenue;
2. Thence southerly to Lake Road;
3. Thence westerly along the centerline of Lake Road to Lear Road;
4. Thence southerly along the centerline of Lear Road to the southern corporation line of the City of Avon Lake;
5. Thence westerly along the southern corporation line of the City of Avon Lake to Avon Belden Road;
6. Thence northerly along the centerline of Avon Belden Road to Walker Road;
7. Thence easterly along the centerline of Walker Road to Avon Point Avenue;
8. Thence northerly along the centerline of Avon Point Avenue to Gable Ditch;
9. Thence southeasterly along Gable Ditch to where an extension of Fay Avenue would intersect Gable Ditch;
10. Thence northerly along the centerline of Fay Avenue to the intersection with Division Road;
11. Thence easterly along the centerline of Division Road to Sunset Road;
12. Thence northerly along the centerline of Sunset Road to Lake Road;
13. Thence westerly along the centerline of Lake Road to the intersection with Gable Ditch;
14. Thence north along Gable Ditch to the shoreline of Lake Erie and also being an extension out into Lake Erie; and
15. Thence easterly along the shoreline of Lake Erie to the northern point of an extension of North Point Road at its closest point to the Lake Erie shoreline and the point of beginning herein containing properties to be known as Ward 2.

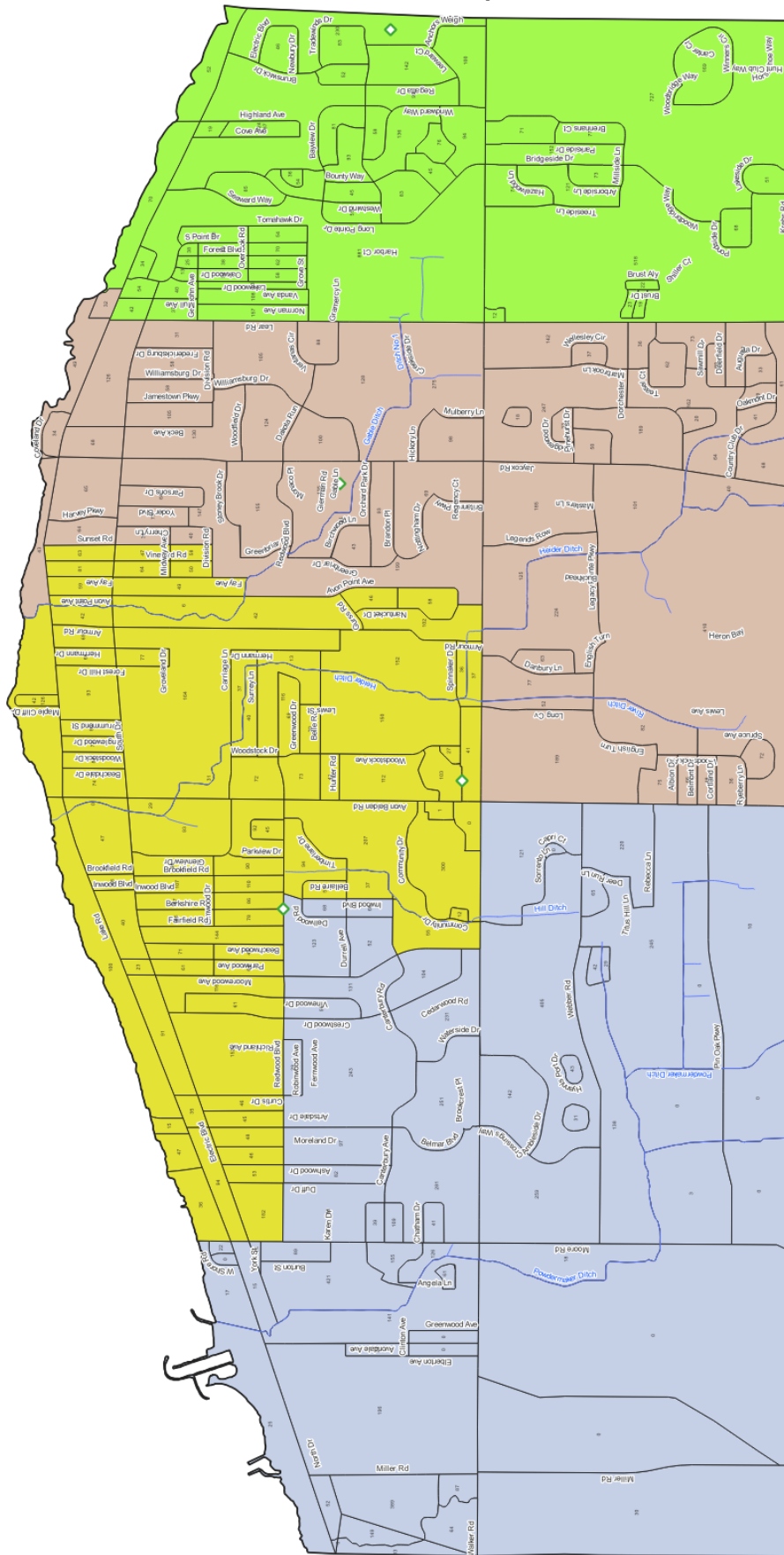
Ward 3

1. Beginning at the intersection of Walker Road and Avon Point Avenue;
2. Thence westerly along the centerline of Walker Road to Moorewood Road;
3. Thence northerly along the centerline of Moorewood Avenue to Canterbury Road;
4. Thence easterly along the centerline of Canterbury Road to Inwood Boulevard;
5. Thence northerly along the centerline of Inwood Boulevard to Redwood Boulevard;
6. Thence westerly along the centerline of Redwood Boulevard to Moore Road;
7. Thence northerly along the centerline of Moore Road to the north corporation line of the City of Avon Lake, also being the shoreline of Lake Erie; and
8. Thence easterly along the shoreline of Lake Erie, and the north corporation line of the City of Avon Lake, back to the place of beginning herein containing properties to be known as Ward 3.

Ward 4

1. Beginning at the northwesterly corporation line of the City of Avon Lake at a point being the shoreline of Lake Erie;
2. Thence southerly along the western corporation line of the City of Avon Lake to the southerly corporation line of the City of Avon Lake;
3. Thence heading easterly along the southern corporation line of the City of Avon Lake to Avon Belden Road;
4. Thence northerly along the centerline of Avon Belden Road to Avon Belden Road and Walker Road;
5. Thence westerly along the centerline of Walker Road to Moorewood Avenue;
6. Thence northerly along the centerline of Moorewood Road to Canterbury Road;
7. Thence easterly along the centerline of Canterbury Road to Inwood Boulevard;
8. Thence northerly along the centerline of Inwood Boulevard to Redwood Boulevard;
9. Thence westerly along the centerline of Redwood Boulevard to Duff Road;
10. Thence westerly in an extension of Redwood Boulevard to Moore Road; and
11. Thence northerly along the centerline of Moore Road to the intersection with the north corporation line of the City of Avon Lake, also being the shoreline of Lake Erie, back to the place of beginning herein containing properties to be known as Ward 4.

Exhibit No. 1: Map of Avon Lake 2024 Wards



AN ORDINANCE AWARDING A PERSONAL SERVICES CONTRACT TO SIMVAY SYSTEMS, LLC, FOR THE TRANSITION OF THE CITY'S PHONE SYSTEM TO THE CISCO WEBEX ENTERPRISE CALLING PLATFORM IN CERTAIN MUNICIPAL BUILDINGS AND DECLARING AN EMERGENCY.

WHEREAS, Section 59 of the Avon Lake City Charter, entitled Competitive Bidding, authorizes the expenditure of funds without public bidding for personal services as defined in the City Charter; and

WHEREAS, the City desires to retain the personal services of Simvay Systems, LLC, of Westlake, Ohio, for the acquisition of the Cisco Webex Enterprise Calling Platform and to provide, configure, and changeover the City's phone system in certain Municipal Buildings to a Voice Over Internet Protocol (VoIP) phone system.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the quote of Simvay Systems, LLC, of Westlake, Ohio, to provide, configure, and changeover the City's phone system in certain Municipal Building to a VoIP phone system with Cisco in the amount of \$80,366.39 be, and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City with the proper specifications, to the full satisfaction of the Communications and Technology Director and Director of Finance, the Director of Finance is hereby directed to deliver to Simvay Systems, LLC, of Westlake, Ohio, the warrant of this City in the amount of \$80,366.39 and to cause said warrant to be paid.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing telephone equipment which will meet the current needs of the City, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE AUTHORIZING PAYMENT TO TYLER TECHNOLOGIES, INC., FOR SOFTWARE SUPPORT AND LICENSING OF THE CITY’S FINANCIAL SOFTWARE AND DECLARING AN EMERGENCY.

WHEREAS, the City’s financial software is licensed and supported by Tyler Technologies, Inc., of Dallas, Texas; and

WHEREAS, Tyler Technologies, Inc., of Dallas, Texas, has submitted an invoice to the City for support and licensing, effective July 1, 2024, through June 30, 2025, in the amount of \$54,237.13.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Finance Director is hereby authorized to pay to the Tyler Technologies, Inc., \$54,237.13 for the support and licensing of the City’s financial software.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing for licensed software and its support to ensure the orderly and efficient operation of the Finance Department to maintain the financial stability of the City, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

A RESOLUTION ADOPTING AND DECLARING THE 2025 TAX BUDGET AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council of the City of Avon Lake hereby adopts the 2024 requirements of several City funds as the 2025 Tax Budget and submitting it to the Lorain County Budget Commission, as required by State Law and shown on Exhibit A, which is attached hereto and made a part hereof.

Section No. 2: That the Director of Finance of the City of Avon Lake is directed to submit this Resolution to the Auditor of Lorain County.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Resolution is hereby declared to be an emergency measure, the emergency being the immediate necessity of adopting and declaring the 2025 Tax Budget and submitting it to the Lorain County Budget Commission. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

CITIES TAX YEAR 2025 ANNUAL BUDGET OF ESTIMATED REVENUES and EXPENDITURES

Date: July 8, 2024

Per Ohio Revised Code Section 5705.281 The Budget Commission of Lorain County, Ohio requests the following information to be completed and returned to the Lorain County Auditors Office, by July 19th in order to perform its duties.

AVON LAKE CITY

FUND	ESTIMATED UNENCUMBERED BALANCE January 1, 2025	ESTIMATED REAL ESTATE TAXES	ESTIMATED LOCAL GOVERNMENT ALLOCATION 2025	OTHER SOURCES	TOTAL	ESTIMATED EXPENDITURES	OVER/UNDER REVENUE
General Fund	\$ 1,004,854.10	\$ 6,914,979.00	\$ 533,822.00	\$ 15,267,461.00	\$ 23,721,116.10	\$ 21,342,912.00	\$ 2,378,204.10
TIF Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Special Revenue Funds	\$ 9,397,703.32	\$ 3,248,712.00	\$ -	\$ 24,643,620.00	\$ 37,290,035.32	\$ 28,591,989.71	\$ 8,698,045.61
Debt Service Funds	\$ 2,212,456.76	\$ 329,985.00	\$ -	\$ 2,435,000.00	\$ 4,977,441.76	\$ 2,182,851.00	\$ 2,794,590.76
Capital Project Funds	\$ 6,377,015.00	\$ -	\$ -	\$ 3,801,020.00	\$ 10,178,035.00	\$ 5,669,000.00	\$ 4,509,035.00
Special Assessment Fund	\$ 1,273,885.66	\$ -	\$ -	\$ 107,500.00	\$ 1,381,385.66	\$ 107,500.00	\$ 1,273,885.66
Enterprise Funds	\$ 30,917,756.28	\$ -	\$ -	\$ 59,549,000.00	\$ 90,466,756.28	\$ 59,174,000.00	\$ 31,292,756.28
Internal Service Funds	\$ 12,435.94	\$ -	\$ -	\$ 1,000.00	\$ 13,435.94	\$ 1,000.00	\$ 12,435.94
Trust and Custodial Fund	\$ 70,264.81	\$ -	\$ -	\$ 25,000.00	\$ 95,264.81	\$ 33,000.00	\$ 62,264.81
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 51,266,371.87	\$ 10,493,676.00	\$ 533,822.00	\$ 105,829,601.00	\$ 168,123,470.87	\$ 117,102,252.71	\$ 51,021,218.16

***SUBJECT TO FURTHER REVIEW BY BUDGET COMMISSION

AVON LAKE CITY - FINANCE DIRECTOR

SIGNATURE AND TITLE: Edward A. Wickman, Finance Director

AN ORDINANCE APPROVING A CHANGE ORDER TO THE CONTRACT WITH PATH MASTER, INC., AND DECLARING AN EMERGENCY.

WHEREAS, it has been found that a change order to the contract with Path Master, Inc., of Twinsburg, Ohio, is needed to outfit equipment for two additional intersections and to equip one additional vehicle with the Applied Information Priority/Preempt System and Connectivity Plan; and

WHEREAS, the Fire Chief and the Finance Committee have reviewed said expenditure and recommend that Council approve said change order for an amount not to exceed \$20,568.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the \$20,568 change order to the contract with Path Master, Inc., of Twinsburg, Ohio, is hereby approved and accepted.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of installing additional traffic safety devices and providing an additional vehicle with equipment that will allow the Fire and Police personnel to perform their duties promptly and efficiently, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, Pulte Homes of Ohio, LLC, is the developer of approximately 57 acres of real property along the southern side of Walker Road and known as Port West Subdivision; and

WHEREAS, Council authorized the Mayor to enter into a Memorandum of Understanding with Pulte Homes of Ohio, LLC, for a traffic study on December 18, 2023, by Ordinance No. 23-215; and

WHEREAS, a traffic study was conducted to determine if a traffic signal is warranted at the Port West Subdivision intersections of Midship Drive, Moorewood Avenue, and Walker Road; and Coastal Drive, Cedarwood Road, and Walker Road; and

WHEREAS, the traffic study concluded that a traffic signal is not warranted at those intersections; and

WHEREAS, the City desires to install enhanced pedestrian-activated beacons, also known as Rectangular Rapid Flashing Beacons (RRFB), and related safety improvements, and Pulte Homes of Ohio, LLC, desires to pay a portion of the expenses of the safety improvements; and

WHEREAS, the City desires to enter into a cost-sharing Memorandum of Understanding with Pulte Homes of Ohio, LLC, for the installation of RRFB and safety improvements at the intersections of Midship Drive, Moorewood Avenue, and Walker Road.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the Mayor is hereby authorized to enter into a cost-sharing Memorandum of Understanding with the Pulte Homes of Ohio, LLC. (Exhibit A).

Section No. 2: That this cost-sharing Memorandum of Understanding supersedes any and all Memorandum of Understanding(s) between Pulte Homes of Ohio, LLC, and the City of Avon Lake.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public,

in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of fulfilling the terms of the cost-sharing Memorandum of Understanding, thus for the health, safety, and welfare of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

MEMORANDUM OF UNDERSTANDING
(Rectangular Rapid Flashing Beacons)

This **Memorandum of Understanding** (this “**MOU**”) is entered into between **PULTE HOMES OF OHIO LLC**, a Michigan limited liability company (“**Pulte**”) and the **CITY OF AVON LAKE, OHIO**, an Ohio municipal corporation (the “**City**”).

WHEREAS, Pulte is the developer of approximately 57 acres of real property located along the southern side of Walker Road in Avon Lake, Ohio, and which is commonly known as the “Port West Subdivision” (the “**Property**”);

WHEREAS, Pulte is developing the Property as a residential subdivision containing forty-four (44) single-family style homes and ninety-nine (99) cluster style homes (the “**Intended Development**”);

WHEREAS, Pulte and the City prepared a prior memorandum of understanding on or around for December 18, 2023 (the “**Traffic Improvements MOU**”) for a traffic study to determine if a traffic signal is warranted at certain intersections near the Intended Development, which was introduced to the City of Avon Lake City Council in Ordinance No. 23-215; and

WHEREAS, to promote the safety of pedestrians in and around the Intended Development, the City desires to construct enhanced pedestrian-activated beacons and related safety improvements on intersections near the Intended Development, and Pulte desires to pay a portion of the expenses of the Crosswalks.

NOW, THEREFORE, in consideration of mutual promises, covenants, and agreements, the City and Pulte agree as follows:

1. Pulte and the City hereby terminate the Traffic Improvements MOU, and Pulte and the City acknowledge that the Traffic Improvements MOU is null and void.
2. The City shall install a Rectangular Rapid Flashing Beacon and related pedestrian-safety improvements (the “**RRFB**”) to the intersection of Midship Drive, Moorewood Avenue and Walker Road.
3. Pulte shall pay to the City fifty percent (50%) of the costs of the RRFB, in an amount not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).
4. In addition to the acts and deeds recited herein and contemplated to be performed, executed and delivered hereunder, Pulte and the City agree to perform, execute and deliver, or cause to be performed, executed and delivered, all such further and reasonable acts, deeds and assurances as may be reasonably necessary to consummate the intent of this MOU.

IN WITNESS WHEREOF, parties have hereunto set their hands on this _____ day
of _____, 2024.

CITY OF AVON LAKE, OHIO

By: _____
Mark Spaetzel, Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Gary A. Ebert, Director of Law

PULTE HOMES OF OHIO, LLC

By: _____

Name: _____

Date: _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXPAND AND APPROPRIATE ADDITIONAL FUNDS FOR THE PERSONAL SERVICES AGREEMENT WITH BRAMHALL ENGINEERING & SURVEYING CO. AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to expand and appropriate additional funds for the personal services agreement with Bramhall Engineering & Surveying Co. for Municipal Engineering Consulting Services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the agreement between the City and Bramhall Engineering & Surveying Co. of Avon, Ohio, for municipal consulting engineering services expires on December 31, 2024.

Section No. 2: That the City desires to expand and appropriate additional funds for the personal services agreement for an amount not to exceed \$150,000.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to make immediate provisions for the performance of municipal engineering services, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE APPROVING THE HARBOUR PLANNED UNIT DEVELOPMENT (PUD) SUBDIVISION NO. 4 FINAL PLAT AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has, at its meeting of June 25, 2024, approved The Harbour PUD Subdivision No. 4 Final Plat.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That The Harbour PUD Subdivision No. 4 Final Plat consisting of 14 cluster lots on 2.18 acres located between Walker Road Park to the south and the Cuyahoga County property line in Bay Village to the east in a PUD submitted to and approved by Planning Commission as required by the Planning and Zoning Code and referred to this Council be, and it is hereby approved subject to the applicant completing the City Engineer’s punch list items and installing wetland signs.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the need to allow for the timely recording of The Harbour PUD Subdivision No. 4 Final Plat to prevent unnecessary delay in the mortgage closings of homes and to allow the City to begin collecting taxes on these properties to add to the revenue of the City, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE APPROVING PORT WEST SUBDIVISION NO. 5 FINAL PLAT FOR AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has, at its meeting of June 25, 2024, approved Port West Subdivision No. 5 Final Plat.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Port West Subdivision No. 5 Final Plat consists of 21 detached, single-family lots on 5.6127 acres located on Caravel Court, south of Midship Drive and east of Coastal Drive, in a Planned Unit Development District.

Section No. 2: That Port West Subdivision No. 5 Final Plat submitted to and approved by Planning Commission and referred to this Council be, and it is hereby approved subject to the execution of a cost-sharing Memorandum of Understanding between Pulte Homes of Ohio, LLC, and the City for the installation of a rectangular rapid flashing beacon at the intersection of Midship Drive, Moorewood Avenue, and Walker for an amount not to exceed \$25,000.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the need to allow for the timely recording of Port West Subdivision No. 5 Final Plat to prevent unnecessary delay in the mortgage closings of homes and to allow the City to begin collecting taxes on these properties to add to the revenue of the City, thus for the public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

AN ORDINANCE AUTHORIZING THE MAYOR TO ESTABLISH COMPENSATION FOR CERTAIN PART-TIME EMPLOYEES, REPEALING ORDINANCE NO. 22-145, AND DECLARING AN EMERGENCY.

WHEREAS, in order to attract qualified employees who specialize in their field, the Human Resources Committee and the Administration recommended establishing the maximum rate for certain part-time employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Council hereby authorizes the Mayor to determine the hourly wage of certain part-time, seasonal, and temporary employees and student interns who possess unique or professional skills, at a rate not to exceed \$21.22 per hour, as recommended by the Director of the hiring Department and approved by the Mayor.

Section No. 2: That this maximum hourly rate shall be increased yearly on January 1st by the Collective Bargaining Unit negotiated percentage wage increase.

Section No. 3: That Ordinance No. 22-145 is hereby repealed.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 5: That this Ordinance is hereby declared an emergency measure, the emergency being the necessity of establishing wages that comply with current federal guidelines and are competitive to attract qualified persons to fill part-time, seasonal, and temporary employees and student intern positions, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall go into immediate force and effect from and after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor