



## VOTING ORDER

K. Zuber  
Z. Arnold  
J. Fenderbosch  
A. Gentry  
D. Kos  
R. Shahmir  
G. Smith

### **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 March 24, 2025, at 7 p.m. in the Council Chamber.

### Pledge of Allegiance

**Roll Call:** Mr. Arnold, Mrs. Fenderbosch, Ms. Gentry, Mr. Kos, Mr. Shahmir, Mr. Smith, Mr. Zuber, Mayor Spaetzel, Law Director Ebert, Finance Director Krosse, Public Works Director Liskovec.

### Legislation

#### Appointment of Police Officer

Ordinance No. 25-63, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRYAN KOVALAK AS POLICE OFFICER IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY. → *Sponsor: G. Smith*

#### Swearing in Ceremony of Bryan Kovalak

**Approval of Minutes:** December 16, 2024, and February 10, 2025, Council Meetings.

### Correspondence

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→ Suspension of the rule requiring three readings

## Reports

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

## Audience Participation

### Motions

Authorizing the Mayor to advertise for Request for Qualifications (RFQ) for an Owner's Representative for the Avon Lake Fire Station Project. *Sponsor: K. Zuber*

Authorizing the Public Works Director to advertise for bids for the Walker Road Phase 5 Project. *Sponsor: J. Fenderbosch*

Accepting the donation of \$600 from Avon-on-the-Lake Garden Club to purchase three *Carya ovata* Shagbark Hickory Trees to be planted at Walker Road Park.  
*Sponsor: J. Fenderbosch*

Authorizing the Public Works Director to advertise for bids for the 2025 Crack Seal Program. *Sponsor: J. Fenderbosch*

Accepting a conditional gift of the Howitzer Artillery in Veterans Memorial Park from the U.S. Army. *Sponsor: J. Fenderbosch*

## Legislation

### Third Readings:

**Ordinance No. 25-35**, AN ORDINANCE ADOPTING THE CITY OF AVON LAKE DISASTER PLAN. *Sponsor: D. Kos*

**Ordinance No. 25-36**, AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 238.01, COMMUNITY DISASTER PLAN. *Sponsor: D. Kos*

**Resolution No. 25-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVON LAKE ADOPTING VISION ZERO AND THE LORAIN COUNTY COMPREHENSIVE SAFETY ACTION PLAN. *Sponsor: D. Kos*

### Second Readings:

**Ordinance No. 25-52**, AN ORDINANCE AUTHORIZING A DONATION TO VILLAGE PROJECT AND DECLARING AN EMERGENCY. *Sponsor: K. Zuber*

**Ordinance No. 25-59**, AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CITY ENGINEER, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 188-90. →*Sponsor: G. Smith*

**Ordinance No. 25-60**, AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN NON-BARGAINING UNIT PERSONNEL AND DECLARING AN EMERGENCY.  
→*Sponsor: G. Smith*

**Ordinance No. 25-61**, AN ORDINANCE CONFIRMING THE MAYOR’S APPOINTMENT OF ROBERT RUA TO THE POSITION OF COMMUNICATIONS & TECHNOLOGY DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY. →*Sponsor: G. Smith*

**Ordinance No. 25-62**, AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,000,000 FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING (i) A HEAVY-DUTY RESCUE TRUCK WITH IMPEL CHASSIS AND (ii) A PUMPER TRUCK WITH IMPEL CHASSIS, EACH FOR USE BY THE CITY’S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY. →*Sponsor: K. Zuber*

**First Readings:**

**Ordinance No. 25-64**, AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRIAN MAHONEY TO THE POSITION OF SENIOR PROGRAM MANAGER, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.  
→*Sponsor: G. Smith*

**Resolution No. 25-65**, A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), DIVISION OF FORESTRY, OHIO’S URBAN FORESTRY GRANT PROGRAM, AND DECLARING AN EMERGENCY. →*Sponsor: J. Fenderbosch*

**Resolution No. 25-66**, RESOLUTION IN SUPPORT OF STATE ISSUE 2 RENEWAL OF THE STATE CAPITAL IMPROVEMENT PROGRAM ON THE MAY 6, 2025, STATEWIDE BALLOT.  
→*Sponsor: J. Fenderbosch*

**Ordinance No. 25-67**, AN ORDINANCE ADOPTING THE AVON LAKE URBAN FOREST MANAGEMENT PLAN. *Sponsor: J. Fenderbosch*

**Resolution No. 25-68**, RESOLUTION ADOPTING A THE AVON LAKE FOREST MANAGEMENT STRATEGIC PLAN. *Sponsor: J. Fenderbosch*

**Ordinance No. 25-69**, AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1070.02, MUNICIPAL PARK RULES. *Sponsor: J. Fenderbosch*

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→ Suspension of the rule requiring three readings

**Ordinance No. 25-70, AN ORDINANCE AUTHORIZING THE PURCHASE OF AN INTERNATIONAL 607 CHASSIS CAB FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY.**

**→Sponsor: J. Fenderbosch**

**Ordinance No. 25-71, AN ORDINANCE AUTHORIZING PAYMENT FOR SOFTWARE SUPPORT AND LICENSING OF OPENGOV CITIZENS SERVICES AND CARTEGRAPH ASSET MANAGEMENT SYSTEM AND DECLARING AN EMERGENCY. →Sponsor: J. Fenderbosch**

**Ordinance No. 25-72, AN ORDINANCE PROVIDING LEGAL REPRESENTATION WITH THE PURCHASE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND AVON LAKE REDEVELOPMENT GROUP LLC (ALERG) AND DECLARING AN EMERGENCY. →Sponsor: J. Fenderbosch**

**Ordinance No. 25-73, AN ORDINANCE AMENDING ORDINANCE NO. 24-78 AND DECLARING AN EMERGENCY. →Sponsor: J. Fenderbosch**

### **Public Input**

### **Miscellaneous Business and Announcements**

### **Adjournment**

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→ Suspension of the rule requiring three readings

AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRYAN KOVALAK AS POLICE OFFICER IN THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the terms of the Civil Service provisions of the Codified Ordinances of Avon Lake, tests have been given and the results certified; that accordingly, the Police Chief has requested an appointment pursuant to the rules and regulations of the Civil Service Commission; and the Mayor has submitted to this Council for confirmation an appointment to the position.

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

Section No. 1: That the appointment of Bryan Kovalak to the position of Police Officer in the Police Department be, and it is hereby approved and confirmed, subject to the Civil Service Rules and Administrative Code provisions, effective March 25, 2025, and to serve at the will of the City during his probationary period.

Section No. 2: That the duties and responsibilities to be performed and undertaken by the Police Officer shall be those set forth for such position and prescribed by Ordinance No. 52-2012.

Section No. 3: That based on Mr. Kovalak's experience and ability, his salary will be the Step 4 salary of \$41.83/hour for the position, payable bi-weekly, as determined by the Finance Director.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 Police Department with adequate personnel to ensure the peace, health, and safety 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.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE ADOPTING THE CITY OF AVON LAKE DIASTER PLAN.

WHEREAS, the Safety Director and the Public Safety and Health Committee have recommended the adoption of the City of Avon Lake Disaster Plan and the Lorain County Emergency Operations Plan.

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

Section No. 1: That Council hereby accepts and adopts the City of Avon Lake Disaster Plan, a copy of which is hereto and made a part hereof.

Section No. 2: That Council hereby accepts and adopts the Lorain County Emergency Operations Plan, a copy of which is on file with the City.

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 shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading: 2/24/2025  
2<sup>nd</sup> reading: 3/10/2025  
3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 238.01, COMMUNITY DISASTER PLAN.

WHEREAS, Public Safety and Health Committee recommended amending Codified Ordinance Section 238.01 Community Disaster Plan; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

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

Section No. 1: That Codified Ordinance Section 238.01 is hereby amended as follows:

238.01, ~~COMMUNITY~~ **CITY OF AVON LAKE** DISASTER PLAN.

(a) Council hereby accepts and approves a ~~Community~~ **the City of Avon Lake** Disaster Plan for the City, a copy of which is attached ~~hereto to original Ordinance 112-93, passed September 13, 1993,~~ and made a part hereof by reference.

(b) ~~From time to time changes may be made to the Community Disaster Plan as recommended by the Safety Director and Safety Committee and approved by Council.~~

**The City of Avon Lake Disaster Plan shall be reviewed by the Public Safety and Health Committee no later than March of each calendar year to determine revisions recommended by the Safety Director and said Committee. Additional revisions may be considered and made, as necessary, as determined by the Safety Director and said Committee.**

(c) A current copy of the ~~Community~~ **City of Avon Lake** Disaster Plan shall be kept on file in the office of the Clerk of Council ~~and at the Avon Lake Public Library.~~ Copies of the Plan shall also be provided by the Safety Director, through the Fire Chief, to all persons listed on the organizational chart contained in the ~~Community~~ **City of Avon Lake** Disaster Plan.



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 shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading: 2/24/2025

2<sup>nd</sup> reading: 3/10/2025

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_

President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_

Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_

Mayor

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVON LAKE ADOPTING VISION ZERO AND THE LORAIN COUNTY COMPREHENSIVE SAFETY ACTION PLAN.

WHEREAS, the life and health of all persons living and traveling within the City of Avon Lake are our utmost priority, and no one should die or be seriously injured while traveling on our City streets; and

WHEREAS, Vision Zero is the concept that traffic deaths and serious injuries on our roadways are unacceptable; and

WHEREAS, Vision Zero is a holistic strategy aimed at eliminating all traffic fatalities and severe injuries suffered by all road users while increasing safe, healthy, equitable mobility for all; and

WHEREAS, streets and transportation systems have traditionally been designed primarily to move cars efficiently, and Vision Zero supports a paradigm shift by designing streets and transportation systems to move all people safely, including people of all ages and abilities, pedestrians, bicyclists, public transit users, scooter riders, and motorcyclists, as well as drivers and passengers of motor vehicles; and

WHEREAS, Vision Zero recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure that those inevitable mistakes do not result in severe injuries or fatalities; therefore, transportation planners and engineers and policymakers are expected to improve the roadway environment, policies, and other related systems to lessen the severity of crashes; and

WHEREAS, 108 people in Lorain County lost their lives to traffic deaths between 2018-2022, and traffic crashes are among the leading cause of deaths in the United States; and

WHEREAS, Lorain County's transportation infrastructure serves an increasing number of vulnerable road users, such as pedestrians and bicyclists; and

WHEREAS, according to the Lorain County Comprehensive Safety Action Plan, pedestrians and bicyclists are involved in 1.4 percent of all Lorain County crashes, but 10.9 percent of fatal or serious injury crashes in Lorain County; and

WHEREAS, speed is recognized as a major determining factor of survival in a crash; and

WHEREAS, Lorain County is working toward reducing vehicle speeds because the likelihood of a pedestrian surviving a crash is 10 percent if hit by a vehicle moving 40 mph; and

WHEREAS, children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities; and

WHEREAS, making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution; and

WHEREAS, successful Vision Zero programs are a result of both a complete government approach (i.e., interdepartmental, coordinated initiatives) and community support of Vision Zero objectives and the Lorain County Comprehensive Safety Action Plan; and

WHEREAS, Vision Zero resolutions have been adopted by many jurisdictions across the United States.

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

Section No. 1: The City of Avon Lake adopts the goal of zero traffic deaths and serious injuries, stating that no loss of life or serious injury is acceptable on our streets.

Section No. 2: The City of Avon Lake adopts the goal of eliminating traffic deaths and serious injuries by 2040 and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.

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: The City of Avon Lake shall certify the adoption of this Resolution, effective immediately, by the City Council.

1<sup>st</sup> reading: 2/24/2025  
2<sup>nd</sup> reading: 3/10/2025  
3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AUTHORIZING A DONATION TO VILLAGE PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, Village Project of Bay Village, Ohio, is a 501(c)(3) non-profit organization that provides nourishing meals and extended care to residents that are experiencing cancer. This organization supports the entire family as they struggle with this devastating disease; and

WHEREAS, Avon Lake residents receiving active cancer treatments are eligible to receive weekly meals from Village Project at no charge for up to six months; and

WHEREAS, it has been recommended by the Administration and the Finance Committee to award a donation to Village Project to provide financial support for their program that services qualified residents in Avon Lake; and

WHEREAS, Council has determined that said donation is for a public purpose.

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

Section No. 1: That the Council of the City of Avon Lake hereby directs the Finance Director to pay the amount of \$10,000 to Village Project, P.O. Box 40023, Bay Village, Ohio 44140.

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 contributing funds to the Village Project organization to provide meals to residents and their families during cancer treatments, thus for the health, safety, and welfare of the residents of Avon Lake. Therefore, this Ordinance shall take effect and be in full force immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 3/10/2025

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CITY ENGINEER, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND REPEALING ORDINANCE NO. 188-90.

WHEREAS, it has been recommended by the Human Resources Committee and the Human Resources Director that a revised job description for the position of City Engineer be adopted.

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

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of City Engineer shall be as shown in the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: That Ordinance No. 188-90 is hereby repealed.

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 shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading: 3/10/2025

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor



**City of Avon Lake, Ohio  
Classification Specification  
City Engineer**

JOB FAMILY	GRADE	FLSA STATUS	CLASSIFIED STATUS	PCN
Director		Exempt	Unclassified	

CLASSIFICATION SUMMARY
<p>Under the direction of the Mayor, the City Engineer directs and coordinates activities of the Engineering Department; monitors completion of the City's capital improvement projects; prepares annual budget requests; performs other related duties, as required; performs and supervises complex engineering work, which includes development of engineering conditions related to land use decisions and construction permits, and oversight of capital projects; acts as a representative of the City in meetings with consultants, the public, and other agencies; supervises professional-level engineers and engineering support staff.</p>

ESSENTIAL DUTIES <sup>1</sup>	% OF TIME
Directs the activities of the department to include overseeing the development and administration of projects, policies, procedures, programs, goals, and objectives and presents them to executive management, Council, the public, and/or other interested parties, as necessary.	25
Supervises the Engineering Department staff, including preparing work schedules; directs and evaluates work/performance; manages training and professional development; enforces policies; and makes disciplinary recommendations.	20
Monitors construction of City capital improvement projects; serves as consulting engineer for other City departments.	15
Coordinates projects in the design and conception phases with City staff, government officials, consultants, architects, property owners, and/or other applicable parties.	15
Prepares annual budget requests for the Engineering Department and monitors expenditures.	10
Serves as a liaison between the Engineering Department and Council; attends Planning Commission meetings and Council meetings, other commissions, boards, and civic and professional association meetings, as requested.	10
Conducts research and prepares and maintains records, reports, and other related documentation. Attends Planning Commission meetings.	5

<sup>1</sup> The essential duties, functions, responsibilities, and recommended Fair Labor Standards Act (FLSA) designation may vary based on the specific tasks assigned to the position.



## MINIMUM QUALIFICATIONS

### **EDUCATION AND EXPERIENCE:**

Bachelor's degree in civil engineering, or equivalent, and continuous five years active practice of civil engineering experience preceding appointment, 3 years of managerial experience

### **CERTIFICATIONS/LICENSES:**

- Registration as a Professional Engineer in the State of Ohio
- Valid Ohio Driver's License or ID

### **KNOWLEDGE OF:**

- Principles and practices of civil engineering
- City government structure and process
- Design and construction standards and methods
- Plan review, including site plan and grading plans related to planning commission duties
- Codes, standards, ordinances, and regulations governing public works projects
- Knowledge and completion of ODOT LPA courses
- Storm water management plan review and SWPPP plan review, including calculation review for quantity and quality
- Preparing, evaluating and implementing RFQ and RFP documents
- Creating bid manuals and specifications and administration of contracts
- FEMA and flood plain details and regulations
- Management principles and practices

### **SKILL IN:**

- Exercising independent judgment
- Communicating effectively through speech and writing
- Collecting, analyzing, and interpreting data
- Identify problem areas and formulating corrective measures
- Developing and maintaining working relationships with other City employees, associates, elected officials, civic groups, and the public

## ADA AND OTHER REQUIREMENTS

This position typically requires climbing, balancing, stooping, kneeling, crouching, crawling, standing, walking, lifting, grasping, feeling, talking, hearing, seeing, fingering, and repetitive motion.

### **LIGHT WORK:**

Exerting up to 20 pounds of force occasionally and/or up to 10 pounds of force frequently and/or a negligible amount of force constantly to move objects. If the use of arm and/or leg controls requires exertion of forces greater than that for sedentary work, and the worker sits most of the time, the job is rated for light work.

### **WORKING CONDITIONS:**

Works in a public building environment where the noise level is generally moderate and in a field environment at construction sites that include exposure to adverse weather conditions, heavy construction equipment, and traffic.

## HOURLY/SALARY RANGE\* AND BENEFITS *\*Subject to City Council approval*

- \$54.32 to \$80.72 hourly, or \$112,985.60 to \$167,897.60 annually
- Applicable benefits provided to full-time non-bargaining employees, as declared in Codified Ordinance Chapter 260

AN ORDINANCE APPROVING WAGE INCREASES FOR CERTAIN NON-BARGAINING UNIT PERSONNEL AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Mayor and the Human Resources Committee that certain non-bargaining unit positions be granted wage increases; and

WHEREAS, Council, coming now to consider said recommendations, approves them in full and desires to put them into effect.

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

Section No. 1: That the following non-bargaining unit personnel be granted a 3% wage increase effective in retro, and all other terms of previously enacted Ordinances shall otherwise remain in full force and effect:

EMPLOYEE	JOB TITLE	FT/PT STATUS	EFFECTIVE JANUARY 1, 2025
Carleton, Tom	Chief Building Official	FT	\$4,242.78/biweekly
Hamker, Dan	BD-Plumbing Inspector	FT	\$43.30/hour
Meigh, Lynn	BD-Secretary	PT	\$18.36/hour
Rutherford, John	BD-Electrical Inspector	FT	\$41.14/hour (1/1-1/30/25)
Rutherford, John	BD-Electrical Inspector	FT	\$43.20/hour (effective 1/31/25)
Biggers, Stephanie	C&T-Technology Coordinator	FT	\$30.17/hour
Bowles, Brian	C&T-Senior Production Assistant	FT	\$24.15/hour
Hricko, Lucas	C&T-Production Assistant	PT	\$20.93/hour
Esborn, Ted	CD-Community Development Director	FT	\$4,544.36/biweekly
La Rosa, Kelly	CD-Planning & Zoning Manager	FT	\$37.70/hour
Page, Austin	CD-Planning & Zoning Manager	FT	\$40.01/hour
Boggins, Ramona	Council-Deputy Clerk of Council	FT	\$22.21/hour
Rosmarin, Valerie	Council-Clerk of Council	FT	\$2,719.20/biweekly
Jirka, Judy	Finance-Payroll Administrator	FT	\$38.27/hour (1/1/25- 2/23/25)
Gomez, Kristin	FD-Fire Secretary	FT	\$28.74/hour

EMPLOYEE	JOB TITLE	FT/PT STATUS	EFFECTIVE JANUARY 1, 2025
Netkowicz, Glenn	FD-Fire Inspector	PT	\$27.88/hour
Kernya, Lynn	Human Resource Director	FT	\$4,555.77/biweekly
Dever, A. Steven	Law Prosecutor	PT	\$1,782.69/biweekly
Ebert, Gary	Law Director	PT	\$4,161.99/biweekly
Graves, David	Assistant Law Director	PT	\$848.56/biweekly
DeLima, Julie	Mayor-Records Clerk	PT	\$20.60/hour
Fundak, Melaine	Mayor-Front Desk Assistant	PT	\$17.33/hour
Krupar, Mary	Mayor-Administrative Assistant	FT	\$30.17/hour
Teter, Carla	Mayor-Front Desk Assistant	FT	\$20.73/hour
Burson, Rachel	PD-Police Secretary	FT	\$29.31/hour
Ferguson, David	PD-Police Maintenance	PT	\$22.06/hour
Hartz, Jeff	PD-Animal Control/CSO	PT	\$32.17/hour
Molnar, Vincent	Police Chief	FT	\$5,244.76/biweekly
Rednour, Kathleen	PD-Victim Advocate	PT	\$32.57/hour
Wasytko, Frank	PD-Animal Control/CSO	PT	\$32.17/hour
Liskovec, Jonathan	Public Works Director	FT	\$4,714.23/biweekly
Ward, Darwin	PW-Assistant Public Works Director	FT	\$47.09/hour
Brown, Jonathan	PW-Community Transportation Driver	PT	\$19.44/hour
Fry, Virginia	PW-Community Transportation Driver	PT	\$21.86/hour
Graham, Robert	PW-Boat Launch Attendant	PT	\$19.44/hour
Livchak, Dennis	PW-Boat Launch Attendant	PT	\$21.01/hour
Schneider, Ronald	PW-Boat Launch Attendant	PT	\$19.44/hour
Shepard, Joseph	PW-Boat Launch Attendant	PT	\$18.03/hour
Smith, Ronn	PW-Boat Launch Attendant	PT	\$19.44/hour
Wilson, Jeffrey	PW-Boat Launch Attendant	PT	\$18.03/hour
Fach, Erin	Recreation Director	FT	\$3,918.94/biweekly
Nielsen, Marijo	REC-Receptionist	PT	\$19.64/hour

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 fulfilling commitments to certain City personnel and complying with the Wage and Salary Administration Code. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1<sup>st</sup> reading: 3/10/2025

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF ROBERT RUA TO THE POSITION OF COMMUNICATIONS & TECHNOLOGY DIRECTOR, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

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

Section No. 1: That the appointment by the Mayor of Robert Rua as the Communications & Technology Director for a term concurrent with the term of the Mayor is hereby confirmed by Council.

Section No. 2: That the powers, duties, and responsibilities to be performed and undertaken by the Communications & Technology Director shall be those provided for in Ordinance No. 24-139.

Section No. 3: That Council does hereby fix and establish an annual salary of \$117,000, payable bi-weekly, effective March 24, 2025.

Section No. 4: That Mr. Rua shall be entitled to receive the applicable benefits provided to full-time non-bargaining employees, as declared in Codified Ordinance Chapter 260.

Section No. 5: That in addition to the benefits provided in Codified Ordinance Chapter 260, Mr. Rua shall be entitled to receive three (3) weeks of vacation in the calendar year 2025, and each year thereafter, until 10 years, after which he will follow Codified Ordinance Chapter 260.

Section No. 6: That Mr. Rua shall be entitled to receive four (4) additional personal days after 90 days of employment to be used before his first-year anniversary in 2026.

Section No. 7: 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. 8: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of making immediate provisions to fill the vacancy of the Communications & Technology Director to ensure the efficient

operation of the Communications & Technology Department, 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.

1<sup>st</sup> reading: 3/10/2025

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,000,000 FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING (i) A HEAVY-DUTY RESCUE TRUCK WITH IMPEL CHASSIS AND (ii) A PUMPER TRUCK WITH IMPEL CHASSIS, EACH FOR USE BY THE CITY'S FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 2 is at least five years and the estimated maximum maturity of the Bonds described in Section 2 is at least 10 years.

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

Section No. 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of \$100,000 or any whole multiple of \$1,000 in excess thereof.

“Bond proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“Bond Registrar” means the Fiscal Officer.

“Certificate of Award” means the certificate authorized by Section 6(a), to be signed by the Fiscal Officer, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures

and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Fiscal Officer” means the Director of Finance of the City.

“Interest Payment Dates” means, unless otherwise determined by the Fiscal Officer in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2025.

“Mayor” means the Mayor of the City.

“Original Purchaser” means the original purchaser of the Bonds designated by the Fiscal Officer in the Certificate of Award.

“Principal Payment Dates” means unless otherwise determined by the Fiscal Officer in the Certificate of Award, December 1 in the years from and including 2025 to and including 2034, provided that in no case shall the final Principal Payment Date be later than the maximum maturity of the Bonds referred to in the preambles hereto.

Section No. 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of the City in one lot in the maximum principal amount of \$3,000,000 (the Bonds) for the purpose of paying costs of acquiring (i) a heavy duty rescue truck with Impel chassis and (ii) a pumper truck with Impel chassis, each for use by the City’s Fire Department, including the payment of expenses related to the issuance of the Bonds.

Subject to the limitations set forth in this Ordinance, the aggregate principal amount of the Bonds to be issued, the principal maturities of and the principal payment schedule for the Bonds, the interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this Ordinance are subject to further specification or determination in the Certificate of Award upon the finalization of the terms and provisions of the Bonds. The aggregate principal amount of Bonds to be issued, as so specified by the Fiscal Officer in the Certificate of Award, shall be the aggregate principal amount of Bonds required to be issued, taking into account any premium above or discount from the aggregate principal amount of the Bonds at which they are sold to the Original Purchaser, in order to effect the purpose for which the Bonds are to be issued, including the payment of any expenses properly allocable to the issuance of the Bonds.

The proceeds from the sale of the Bonds received by the City shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Bonds are being issued. Any portion of those proceeds received by the City representing premium (after payment of financing costs) or accrued interest shall be paid into the Bond Retirement Fund.

Section No. 3. Denominations; Dating; Principal and Interest Payment and Prepayment Provisions. The Bonds shall be issued as a single fully registered bond in one lot in the maximum



principal amount of \$3,000,000. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date.

(a) Interest Rates and Interest Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of 12 30-day months) as shall be determined by the Fiscal Officer in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Fiscal Officer, subject to subsection (c) of this Section, in the Certificate of Award, consistent with the Fiscal Officer's determination of the best interest of and financial advantages to the City.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such that (i) the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other such fiscal year and (ii) the true interest cost of the Bonds shall not exceed 6%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15<sup>th</sup> day preceding that Interest Payment Date. Notwithstanding the foregoing, so long as the Original Purchaser is the registered owner of the Bonds, (i) the principal installments on the Bonds may be paid on each Principal Payment Date and any prepayment date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner, provided that in connection with the payment or prepayment of the final installment of principal of the Bonds, the registered owner thereof shall present and surrender its Bonds at the office of the Bond Registrar, and (ii) interest on the Bonds may be paid on each Interest Payment Date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner.

(e) Prepayment. If agreed to by the Original Purchaser, the Bonds shall be prepayable, in whole or in part, with or without penalty or premium, at the option of the City at any time or a specific time prior to maturity, each as designated by the Fiscal Officer in the Certificate of Award and as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Bond Registrar of the principal amount of the Bonds then to be prepaid, together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a

notice of prepayment, stating the date of prepayment and the name and address of the Bond Registrar, by certified or registered mail to the registered owners of the Bonds to be prepaid, and at their addresses, each as shown on the Bond Register at the close of business on the day preceding the mailing of the notice. The notice shall be mailed not less than 30 days prior to the date of that deposit, unless that notice is waived by the registered owner(s) of the Bonds. If moneys for prepayment are on deposit with the Bond Registrar on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Fiscal Officer the registered owner(s) of the Bonds shall arrange for the delivery of the Bonds to the Bond Registrar for prepayment and surrender and cancellation.

Section No. 4. Execution and Authentication of Bonds. The Bonds shall be signed by the Mayor and the Fiscal Officer, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the provisions of Chapter 133 of the Revised Code, the City's Charter, this Ordinance and the Certificate of Award; provided, however, that, if requested by the Original Purchaser, the Bonds may be issued as a single registered Bond with multiple maturities of principal in Authorized Denominations as set forth in a payment schedule to be set forth in such Bond or attached thereto.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section No. 5. Registration; Transfer and Exchange.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office satisfactory to the Fiscal Officer and the Bond Registrar. The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for prepayment between the 15<sup>th</sup> day preceding the mailing of notice of Bonds to be prepaid and the date of that mailing, or (ii) any Bond selected for prepayment, in whole or in part.

Section No. 6. Award and Sale of the Bonds.

(a) Original Purchaser Designated in Certificate of Award. The Bonds shall be sold to the Original Purchaser at a purchase price, not less than 97% of their aggregate principal amount, to be determined by the Fiscal Officer in the Certificate of Award, plus accrued interest on the Bonds from their date to the Closing Date, and shall be awarded by the Fiscal Officer with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Fiscal Officer is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Fiscal Officer shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Fiscal Officer, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial

statements, bond registrar agreement, bond purchase agreement, placement agent agreement, term sheet and other commitments, documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

(b) Financing Costs. The expenditure of the amounts necessary to pay the financing costs (as defined in Section 133.01 of the Revised Code) in connection with the Bonds is authorized and approved, and the Fiscal Officer is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section No. 7. Provisions for Tax Levy. During the year or years in which the Bonds are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due. In each year, to the extent other money is lawfully available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

Section No. 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Bonds as “qualified tax-exempt obligations” if such designation is

applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section No. 9. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver or cause to be delivered a certified copy of this Ordinance and a copy of the signed Certificate of Award to the Lorain County Auditor.

Section No. 10. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section No. 11. Retention of Bond Counsel. In connection with the issuance of the Bonds, the legal services of Squire Patton Boggs (US) LLP, as bond counsel, are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Bonds and the rendering of the necessary legal opinion upon the delivery of the Bonds. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Bonds to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those

fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section No. 12. Retention of Municipal Advisor. In connection with the issuance of the Bonds, the municipal advisory services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Fiscal Officer is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Bonds to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section No. 13. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section No. 14. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section No. 15. Declaration of Emergency; Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to sell the Bonds at the earliest possible date, which is necessary to enable the City to enter into and carry out its obligations under contracts for the improvement described in Section 2, which is urgently needed to timely and efficiently provide municipal fire services to City residents and thereby better protect their property and provide for their health and safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

**[Balance of Page Intentionally Left Blank]**

1<sup>st</sup> Reading: 3/10/2025  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:

PASSED: \_\_\_\_\_, 2025

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_, 2025

APPROVED: \_\_\_\_\_, 2025

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

I, Valerie Rosmarin, Clerk of Council of the City of Avon Lake, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 25-62 passed on March \_\_, 2025, by the Avon Lake City Council.

\_\_\_\_\_  
Clerk of Council  
City of Avon Lake, Ohio

AN ORDINANCE CONFIRMING THE APPOINTMENT OF BRIAN MAHONEY TO THE POSITION OF SENIOR PROGRAM MANAGER, ESTABLISHING THE RATE OF COMPENSATION FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Recreation Director and Human Resources Director that Brian Mahoney be appointed to the position of Senior Program Manager in the Recreation Department; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

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

Section No. 1: That the appointment of Brian Mahoney to the position of Senior Program Manager, effective March 31, 2025, be, and it is hereby confirmed by Council, subject to all provisions of Chapter 258 of the Codified Ordinances of the City of Avon Lake.

Section No. 2: That the powers, duties, and responsibilities to be performed and undertaken by the Senior Program Manager shall be those provided for in Ordinance No. 24-155.

Section No. 3: That based on Mr. Mahoney's experience and ability, Council does hereby fix of salary of \$56,000 annually for the position, payable bi-weekly, as determined by the Finance Director.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 fill a vacancy to ensure the efficient operation of the Recreation Department, 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.



PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), DIVISION OF FORESTRY, OHIO'S URBAN FORESTRY GRANT PROGRAM AND DECLARING AN EMERGENCY.

WHEREAS, the City has been advised by the Ohio's Urban Forestry Grant Program that it can participate in a competitive application process for the awarding of a grant from the Ohio Department of Natural Resources, Division of Forestry; and

WHEREAS, the City can submit an application and is eligible to receive up to \$200,000 in grant funds.

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

Section No. 1: That this Council hereby supports the City of Avon Lake's grant application to the Ohio Department of Natural Resources, Division of Forestry, Ohio's Urban Forestry Grant Program.

Section No. 2: That this Council hereby respectfully requests that the Ohio Department of Natural Resources, Division of Forestry, consider the City of Avon Lake's Urban Forestry Grant Program application.

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 necessity to file an application in a timely manner for the purpose of acquiring funds, thus for the public health, safety, and welfare. 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

A RESOLUTION IN SUPPORT OF STATE ISSUE 2, RENEWAL OF THE STATE CAPITAL IMPROVEMENT PROGRAM, ON THE MAY 6, 2025, STATEWIDE BALLOT.

WHEREAS, the State Capital Improvement Program (SCIP) is a state-local government partnership program that funds local infrastructure projects in communities across Ohio; and

WHEREAS, the program has, for nearly 40 years, provided over \$7 billion for improvements to keep Ohio's roads and bridges safe and in good condition for residents, first responders, and all motorists traveling on Ohio roadways, and to improve local wastewater treatment, water supply, and stormwater infrastructure in all 88 Ohio counties; and

WHEREAS, the SCIP provides essential grants, loans, and loan assistance to local governments, including municipalities; and

WHEREAS, the renewal of the SCIP will not raise taxes for Ohioans, and the renewal is critical to prevent a gap in infrastructure investment, as the current authorization is set to sunset July 1, 2025; and

WHEREAS, funding for the SCIP relies on an amendment to Ohio's Constitution about every ten years, and has been overwhelmingly approved by voters three times since its creation in 1987; and

WHEREAS, the City of Avon Lake has benefitted from the SCIP and receiving grant funds for road infrastructure projects, which have significantly improved the quality of life and safety for Township residents; and

WHEREAS, infrastructure investment encourages economic development, creates and maintains business contributes to public health and safety, creates construction jobs, and helps keep Ohio competitive.

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

Section No. 1: That this Council hereby joins the Strong Ohio Communities Coalition in support of State Issue 2 and urges a YES vote on Issue 2 on May 6, 2025.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 Resolution shall be in full force and effect at the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE ADOPTING THE AVON LAKE URBAN FOREST MANAGEMENT PLAN.

WHEREAS, the Ohio Department of Natural Resources (ODNR) recommends that municipalities develop and implement an Urban Forest Management Plan to effectively manage trees and the land on which they grow; and

WHEREAS, the Avon Lake Tree Commission was established to foster a community that is committed to the sustainable management of the urban forest by promoting the health and safety of the existing urban tree population and achieving a fully stocked, healthy, and resilient urban forest through its recommendations for tree planting on public lands and rights-of-way and advising the Public Works Director on arboricultural and urban forestry best management practices; and

WHEREAS, the Avon Lake Urban Forest Management Plan (Plan) is a strategic and long-term investment in Avon Lake's tree canopy through efficient and effective tree care, strengthening tree planting to maintain species diversity in the public tree population, equitable preservation, improving the character and aesthetics of neighborhoods and the quality of life; and

WHEREAS, the Avon Lake Tree Commission recommends the City adopt a Plan that will encompass the goals, objectives, actions, and specifications, which they have worked diligently on developing that will utilize the Plan's mission of maximizing the economic, environmental, and social benefits of a sustainable urban forest of the City; and

WHEREAS, Council, coming now to consider said recommendations, approves the Plan in full and desires to put it into effect.

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

Section No. 1: That the Avon Lake Urban Forest Management Plan is hereby adopted, a copy of which is attached hereto and incorporated herein.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

# Avon Lake Urban Forest Management Plan

## Mission Statement

Maximize the Economic, Environmental, and Social Benefits of a Sustainable Urban Forest for the Residents of Avon Lake, Ohio.

## Goals

*That must be reached to validate the Mission Statement*

1. Maintain the health and vigor of all trees in the Urban Forest.
2. Plant the largest suitable tree at maturity for the site selected.
3. Achieve a fully stocked Urban Forest.

## Objectives

Strategies necessary to reach the goals

1. Remove or prune, all dead, and hazardous trees each year.
2. Evaluate each tree every 2 years after planting for the first 10 years, and every 5 years for the balance of the trees' life and prune as needed.
3. Plant a diverse population of tree species. One tree for each removal (replace) on publicly owned land and 1/50 of the vacant sites based on the initial inventory (replant) (to be determined).
4. Educate the community decision-makers (residents, elected officials, hired employees, volunteers) on the value and need for a sustainable urban forest.

## Actions

Actions that will meet the objectives

## Specifications

Specific rules for the actions

## Implementation

Performing the necessary actions

**Action 1:** An Inventory of Trees and Planting Sites on Municipal owned or managed property

### Specifications

- Initiate and maintain a Tree Inventory with the following information:

- Species—Scientific and Common Name
- Size—Diameter at breast height (four and one-half feet) in inches and crown width and total height
- Condition—Excellent, Good, Fair, Poor
- Maintenance--Routine, High, Hazard
  - Action Recommended (Routine) - Scheduled Removal of dead or damaged branches
  - Action Recommended (High) - Immediate Removal of dead or damaged branches
  - Action Recommended - (Hazardous) Immediate Removal of hazardous branch(es) or immediate removal of tree
- Location
  - Address, street, GPS coordinates. Utility conflicts
- Tree lawn width (in feet)

### Implementation

- The Public Works Director completes RFP with assistance of Tree Commission and approval from Avon Lake City Council.
- Best bid selected and survey protocols finalized.
- Tree survey initiated 2025
- Final report presented to Council and at public meeting by contractor and city staff.
- Data used to finalize annual and 5-year plans.

## **Action 2: Master Planting Design**

### Specifications

- A Master Planting Design will be developed for every city-maintained street identifying primary and secondary species to be used on each tree lawn. The plan will be used to replace future trees removed or fill empty planting spots. Species will be selected based on species best suited for each site and distribution of species to ensure genetic diversity.
- Master Planting Design will begin in new developments that are prioritized for new tree lawn planting.
- For the remainder of the city, Master Planting Design will be developed first for street segments with the least tree cover beginning with street segments having both a curb and sidewalk (primary) proceeding to street segments with either a curb or sidewalk (secondary) (see Action 6).



- Site Selection Parameters (based on Ohio Division of Forestry standards):
  - Minimum overhead clearance for
    - Small Trees - 30 feet; Medium Trees - 50 feet; Large Trees - 60 feet
  - Minimum distances for ALL trees from
    - Overhead primary electric wires - 10 feet (lateral distance)
    - Underground utilities - 5 feet (lateral distance)
    - Side structures - 20 feet
    - Tree lawn width - 4 feet (small trees), 8 feet (medium trees), >8 feet (large trees)
    - Intersection - 40 feet
    - Visible utilities - 10 feet
    - Fire hydrants - 10 feet
    - Driveways (both planting side & opposite side) – 15 feet
    - Other trees and planting sites - 30 feet
    - Diversity parameters for urban forest population: Maximum for any species 10%, for any genus 20%, for any family 30%
  
- Appeals:
  - Property owners who feel that another species of tree is more appropriate for a given site may appeal the Urban Forester. Appeals must be made in writing and include what tree should be substituted and why the municipality's selected species is not a good choice and/or which species of tree should be planted and why. All appeals must include the scientific name for clarity and argument should be based on scientific reasoning for the benefit of the community and avoid personal taste or improvement of private property at taxpayers' expense.
  - The Urban Forester shall review all written appeals and may consult with the Tree Commission.

### Implementation

- The Master Planting Design will be conducted by the Urban Forester with support from members of the Avon Lake Tree Commission over a 2–3-year period.

### **Action 3: Systematic Five-Year Hazard Assessment**

#### Specifications

- Hazard Tree Assessment program through periodic Tree Inventory:
  - Identify trees with potentially hazardous structural defects that need to be removed.
  - Identify trees with potential structural defects that can be pruned to manage safety.
  - Data should include location, species, DBH, and description of hazard accompanied by photographs.
- Information collected by Urban Forester, Public Works staff, and trained volunteers to be verified by Urban Forester.
- Data to be added to Tree Inventory database as confirmed by the Urban Forester.

#### Implementation

- Work to be done by Certified Arborist with TRAQ (tree risk assessment qualification)
- Initial annual assessment will utilize the most recently updated tree survey data.
- Work may be done via drive through, but all potential hazardous trees must be individually assessed.

### **Action 4: Annual Work Plan and Budget**

#### Specifications

- An annual budget for the following year will be prepared by October 1 with input from Public Works staff and Tree Commission.
- Resources should be allocated in the following order of priority:
  - Planning
  - Hazard tree removal
  - Dangerous branches removal
  - Stump Grinding
  - Watering (First through third year)
  - Young-tree-training
  - Large maintenance pruning
  - Site selection
  - Site preparation
  - Tree planting

*Highest priority*



*Lowest priority*

- Budget allocations may, as the circumstance dictates, vary from the priority list but only if it benefits the urban forest program or community as a whole and does not compromise safety or cost effectiveness.
- New tree planting: Determined by the most recent Tree Inventory. The maximum number of trees to be planted each year will equal the number of trees removed in the previous year plus 2% of total planting sites available. Priority will be given to new subdivisions with funds already deposited with the City Street Planting Program. The City may choose to increase the number of trees planted to complete the planting of a segment but will account for the excess in future plantings.
- Watering: Newly planted trees will have Gator Bags or similar ones installed and filled on a weekly basis as is needed for the first 2 years after planting.
- Young Tree Training: Trees shall be pruned if needed to train them for structure and form using the Ohio DNR, Division of Forestry's "7 Steps to Young Tree Training" at years 2, 4, 7, and 10 after planting. Pruning shall be done by trained and Certified Arborist supervised staff only between December 1 and April 1.
- Mature Tree Pruning: Trees over 10 years from planting shall be inspected every 5 years and pruned as needed for structure, health, and safety using ANSI A300 Standards. Pruning shall be done as conservatively as possible.

### Implementation

Planting and pruning data shall be entered into the Tree Inventory database.

- Cost Table:
  - Insert cost tables for planting, mulching, watering, young tree training, mature tree pruning, tree removal.
- Develop budget, ensure funding.
- Schedule activities.

## **Action 5: Regular Educational Sessions, Arbor Day Activities**

### Specifications

- The scientific based and visible tree management by the City will be the major contributor to the education of residents on the proper care of trees on private property.
- Activities may include Arbor Day Activities, Big Tree Contest, Tree Care Workshop, Seminars, Community decision-maker walk-about, Administration, Staff, Finance Director, Council, Community Day presentations and demonstrations, summer camp activities for school-aged students, Newsletter, social media and Website contributions, News-Press coverage, and community TV spots.

### Implementation

- The Tree Commission shall develop a marketing plan to include an Arbor Day activity suitable for Tree City USA requirements and conduct a minimum of two additional educational activities. The plan should be updated annually.

## **Action 6: Long Range (5 year) Work Plan and Budget**

### Specifications

- To integrate projects across City departments, the Tree Commission shall meet with the Public Works Director and/or Urban Forester to discuss future city projects that will impact trees. Information on street, sewer, building, or other projects will be reported to avoid undue damage to the city's urban forest and for incorporation into the long-range Urban Forest Plan. This will also avoid having trees planted in parks or near city buildings that may interfere with future development plans.
- Long Range Tree Planting Prioritization: The City will fill planting sites as governed by budget and maximum numbers established in Action Item 4.
  - The City will plant primary locations first. Primary locations have a curb and sidewalk, which provide a more protected environment for trees. Once primary locations are filled, secondary sites will be considered. Secondary sites have either curb or sidewalk, but not both. After all secondary sites are filled the Tree Commission will consider planting in tertiary sites. Tertiary sites have neither sidewalk nor curb.

- When selecting tree lawn planting locations, the City will attempt to first plant in areas with limited canopy cover and sites where complete Master Planting Design segments can be planted. The Tree Commission will also favorably consider resident requests and along main arteries where most residents benefit. The Tree Commission will strive to distribute plants throughout the community to enhance tree-age diversity of the community.
- New housing developments will be given priority because funding has already been deposited by developers and encourage tree cover in these cleared areas.
- Replacement of removals will be prioritized in the city's parks and other properties. Additional plantings will be made possible through donations.

# Appendix A. Arboriculture Procedures

## Typical Urban Forest Management Procedures

### Site Preparation Procedure

- In the late summer or early fall of the year prior to transplanting, till and amend the soil (with approximately 15% to 20% organic material) in a curb-to-sidewalk square. Top dress with mulch.

### Transplanting Procedure for Bare Root Stock

- In early Spring, rake back the wood chips and soil in the center of the site to a depth that will allow the root flare to be at grade
- Prune roots: above primary root flare
- Train branches by:
  - Identifying and subordinating, or removing super dominant branches
  - Prune to leave one central leader
  - Remove dead or broken branches and suckers from trunk
- First year watering program:
  - On a weekly basis, fill low-profile Gator Bag with approximately fifteen (15) gallons of water which does not contain fertilizer

### Young-Tree-Maintenance Program for first ten years following transplanting

- 1<sup>st</sup> year
  - Early Spring
    - Remove support stake
    - Refresh mulch
  - Summer
    - Control weeds and maintain mulch bed
- 2<sup>nd</sup> year
  - Late winter (December 1<sup>st</sup> – April 1<sup>st</sup>)
    - Young tree train (See 7 Steps)
  - Early Spring
    - Refresh mulch
  - Summer
    - Control weeds and maintain mulch bed
- 3<sup>rd</sup> year
  - Early Spring
    - Refresh mulch
  - Summer
    - Control weeds and maintain mulch bed

- 4<sup>th</sup> year
  - Late winter
    - Young tree train (See 7 Steps)
  - Early Spring
    - Refresh mulch
- 5<sup>th</sup> & 6<sup>th</sup> years
  - Early Spring
    - Refresh mulch
  - Summer
- Control weeds and maintain mulch bed
- 7<sup>th</sup> year
  - Late winter
    - Young tree train (See 7 Steps)
  - Early Spring
    - Refresh mulch
- 8<sup>th</sup> & 9<sup>th</sup> years
  - Early Spring
    - Refresh mulch
  - Summer
    - Control weeds and maintain mulch bed
- 10<sup>th</sup> year
  - Late winter
    - Young tree train (See 7 Steps)
  - Early Spring
    - Refresh mulch

Five-year Tree Maintenance for trees older than 10 years (5 sectors of village street trees)

- Five-year Tree Maintenance program for the life of the trees:
  - Remove dead and broken branches for trees Young Tree Training
  - Retro-prune for trees not having had Young Tree Training
- Five-year Tree Maintenance program for the life of the tree:
  - Remove dead and broken branches for trees following Young Tree Training
  - Retro-prune for trees not having had Young Tree Training

## **Appendix B. Management Standards and Resources**

ANSI Z133 Safety Standards, ANSI A300, US Forest Service, ODNR, and ISA Standards.

DRAFT



## Appendix D. Additional Information

### 1. The following identifies the footnotes for the **Mission Statement**:

Maximize the **Economic**<sup>1</sup>, **Environmental**<sup>2</sup>, and **Social**<sup>3</sup> Benefits of a Sustainable Urban Forest for the Residents of Avon Lake, Ohio.

**<sup>1</sup>Economic:** Trees provide a tremendous economic benefit to the community. Trees have been shown to:

- increase property value and resale value
- reduce crime and vandalism thereby reducing insurance rates
- improve test scores and life decisions among school age girls reducing the need for social services
- reduce energy consumption by reducing the need for air conditioning
- reduce storm water runoff thereby reducing the need for expanded sewer systems

**Sources:** USDA Forest Service, University of Illinois

**<sup>2</sup>Environmental:** Trees have been shown to improve the environment of the community by

- removing carbon from the air as well as preventing carbon from being burned by reducing the need for air conditioning. Less air conditioning - less electricity needed, less electricity - less coal burned and less CO<sub>2</sub> and air pollution
- filter out air pollution and particles
- improves water quality by intercepting and slowing rainfall and allowing it to seep into the ground to be filtered rather than flooding into the storm sewer carrying street grime and pollutants with it

**Source:** USDA Forest Service

**<sup>3</sup>Social:**

- reduces crime and vandalism thereby reducing insurance rates
- improves test scores and life decisions among school ages girls reducing the need for social services
- Reduces stress

**Source:** University of Illinois

### 2. The following identifies the footnotes for the **Goals**

1. Maintain the **health and vigor**<sup>4</sup> of all trees in the Urban Forest.
2. Plant the **largest suitable tree**<sup>5</sup> at maturity for the site selected.
3. Achieve a **fully stocked**<sup>6</sup> Urban Forest.

**<sup>4</sup>Health and Vigor:**

- Healthy, vigorous trees live longer and require less maintenance; thereby maximizing benefits while minimizing cost.

**Source:** USDA Forest Service, University of Florida

**<sup>5</sup>Largest Tree:**

- Large trees live longer and provide greater economic benefits than small trees. Undersized trees fail to maximize the potential of the site. This failure is lost value for the community.

**Sources:** USDA Forest Service; Cost Model by Alan Siewert, ODNR Division of Forestry

**<sup>6</sup>Fully stocked:**

- Fully stocked means every available site has a tree growing in it. To maximize the benefits for the community all sites need to be stocked and functioning. Allowing a site to remain fallow or empty costs the community.

Note: When restoring an urban forest, mass planting to restock to 100% rapidly is not desirable as it will cause a "Baby Boom". Restocking requires time to develop an all-age, stable population.

**Sources:** USDA Forest Service Theoretical Urban Forest Model by Alan Siewert, ODNR Division of Forestry

A RESOLUTION ADOPTING THE AVON LAKE FOREST MANAGEMENT STRATEGIC PLAN.

WHEREAS, the Avon Lake Forest Management Strategic Plan (Plan) was recommended by the Ohio Department of Natural Resources (ODNR) and initiated by the Avon Lake Tree Commission to formulate sustainable management of the urban forest; and

WHEREAS, the purpose of the Plan is to promote the health and safety of all trees in the urban forest on public land; achieve a fully stocked, healthy, and resilient urban forest; and educate the residents of the importance of maintaining and improving the urban forest; and

WHEREAS, Avon Lake Tree Commission developed and reviewed the Plan and confirmed that the Plan is in alignment with the City’s visions and the direction the City is pursuing.

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

Section No. 1: That the Avon Lake Urban Forest Strategic Plan is hereby adopted, a copy of which is attached hereto and incorporated herein.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 Resolution shall be in full force and effect at the earliest period allowed by law.

1<sup>st</sup> reading:  
2<sup>nd</sup> reading:  
3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

**City of Avon Lake  
Tree Commission Strategic Plan**

**Adopted: \_\_\_\_\_**

**Vision**

Avon Lake is a model forest city community with healthy, safe and appropriate community trees.

**Mission Statement**

Foster a community that is committed to the sustainable management of the urban forest.

**Goals**

1. Promote the health and safety of all trees in the urban forest on public lands.
2. Achieve a fully stocked, healthy, and resilient urban forest.
3. Educate Avon Lake's citizens on the importance of maintaining and improving the urban forest.

**Objectives**

1. Promote the health and safety of the existing urban tree population.
2. Support the management of all municipal trees.
3. Work with city staff to ensure annual Tree City USA recognition and Growth Award attainment.
4. Educate the community's residents, elected officials, employees and volunteers about the value and need for a sustainable urban forest.
5. Advise the City of Avon Lake and its residents regarding arboricultural and urban forestry best management practices.
6. Provide recommendations for tree planting on public lands and in new developments.

**Annual Review**

The Mission Statement, Goals, and Objectives shall be read and reviewed at the first Tree Commission meeting of each year. Changes or amendments shall be documented and reported to the Avon Lake City Council and Mayor for adoption.

## **Actions**

- Action 1:** The Tree Commission shall collaborate with the Director of Public Works to support the Urban Forester to ensure high quality tree management and tree planting programs in Avon Lake by adopting ordinances, contract and bidding procedures, and other tree management procedures as defined by the Ohio Division of Forestry, American Public Works Association (APWA), International Society of Arboriculture (ISA), and American National Standards Institute (ANSI).
- Action 2:** The Tree Commission shall collaborate with the Urban Forester to update preferred tree species lists for public land considering planting sites, diversity, invasiveness, and adaptiveness to a changing climate.
- Action 3:** The Tree Commission shall disseminate news and information regarding the selection, planting, and maintenance of trees within Avon Lake.
- Action 4:** The Tree Commission shall operate a well-managed Tree Commission.
- Action 5:** The Tree Commission shall plan, publicize, and participate in public outreach educational events such as Arbor Day.
- Action 6:** The Tree Commission shall investigate topics regarding public trees brought to the Tree Commission's attention.
- Action 7:** The Tree Commission shall collaborate with the Director of Public Works to assist the Urban Forester, city administration and other stakeholders with the development of an Urban Forest Management Plan.

## **Implementation**

- Action 1: The Tree Commission shall provide support to the Urban Forester to ensure high quality tree management and tree planting programs in Avon Lake by updating ordinances, policies, contract and bidding procedures, municipal tree data, and other tree management procedures based on tree inventories.**
- A. Review Avon Lake tree ordinances annually.
- Action 2: The Public Works Director shall collaborate with the Urban Forester to update lists of trees for planting on public land considering planting sites, diversity, invasiveness, and adaptiveness to a changing climate.**
- A. Assist in the updates of the Street Tree Master Planting Design.
  - B. Develop, maintain, and update the recommended tree lists for parks and other public properties.
  - C. Develop, maintain, and update a list of undesirable trees.
- Action 3: The Tree Commission shall collaborate with the Public Works Director and the Urban Forester to disseminate news and information regarding the selection, planting, and maintenance of trees within Avon Lake.**

- A. Publish tree-related news and information on the Avon Lake website ([www.avonlake.org](http://www.avonlake.org)).
- B. Utilize print and news media to publicize events and important notices.
- C. Provide tree-related information at publicly accessible sites. (See Action 5)

**Action 4: The Tree Commission shall operate a well-managed tree commission.**

- A. Ensure that Tree Commissioners are well educated regarding the management and benefits of urban forests.
- B. Hold regular and special meetings at which the subject of trees insofar as it relates to the city is discussed by the Tree Commissioners.
- C. Support the Municipal Tree Ordinance (Chapter 1018) of the Codified Ordinances of the City of Avon Lake, Ohio
- D. Collaborate with the Urban Forester and staff on annual Tree City USA recognition and Tree City Growth Award applications.
- E. Develop and maintain a Tree Commissioner Notebook containing job descriptions for tree commissioners and officers, contact information, and other materials as needed.

**Action 5: The Tree Commission shall collaborate with the Public Works Director and the Urban Forester to plan, publicize, and participate in tree related public outreach educational events.**

- A. Host Annual Arbor Day and fall planting events.
- B. Develop an award to recognize city residents or businesses who contribute significantly to the improvement of Avon Lake's urban forest.
- C. Develop workshops and seminars including collaborations with the Avon Lake Environmental Affairs Advisory Board (EAAB) and Avon-on-the-Lake Garden Club.

**Action 6: The Tree Commission shall investigate topics regarding public trees brought to the attention of the Tree Commission.**

**Action 7: The Tree Commission shall collaborate with the Public Works Director to assist the Urban Forester, city administration and other stakeholders with development of an Urban Forest Management Plan to provide a shared vision for Avon Lake's tree canopy to guide future annual work plans and budgets.**

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 1070.02, MUNICIPAL PARK RULES.

WHEREAS, the Public Service Committee and Avon Lake Tree Commission recommended amending a section of Codified Ordinance Chapter 1070; and

WHEREAS, Council, coming now to consider said recommendation, approves it in full.

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

Section No. 1: That Codified Ordinance Section 1070.02 (f) is hereby amended as follows:

(f) *Natural resources and other park objects.*

(1) *Trees, shrubbery, lawns and other plant life.* Except in accordance with the direction of the **Public Works Director or Urban Forester**, no person shall cut, carve or injure the bark or break off the limbs or branches, or mutilate in any way or pick the flowers or seeds of any tree or plant existing in a park, nor dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area, nor remove any plant material from a park.

(2) *Wildlife.* Except pursuant to § [618.13](#), no person shall feed, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object or projectile which may harm any mammal, bird, reptile or amphibian. Fishing is permitted only in areas designated for that purpose by the Recreation Department and in accordance with state law and regulations.

(3) *Statuary, memorials and other objects.* Except in accordance with the direction of the Recreation Department, no person may remove, excavate, take, dig into or destroy any site, object, building, artifact, implement or location of historical, archaeological, geological, scientific or educational interest of every character located in, on, or under the surface of any park.

**Residents of the city are eligible to participate in a program to celebrate or memorialize through Avon Lake Plant a Tree, Grow a Legacy Program. Monetary contributions collected by the Avon Lake Plant a Tree, Grow a Legacy Program shall be utilized by the Urban Forester or Public Works Director for uses outlined in the Master Street Tree Plan/Avon Lake Management Plan.**

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 shall be in full force and effect from and after the earliest period allowed by law.

1<sup>st</sup> reading:

2<sup>nd</sup> reading:

3<sup>rd</sup> reading:

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AUTHORIZING THE PURCHASE OF AN INTERNATIONAL 607 CHASSIS CAB FOR THE PUBLIC WORKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Public Works Director and the Public Service Committee have recommended the purchase from Rush Truck Centers of Cincinnati, Ohio, for the Public Works Department, and the City desires to contract with Rush Truck Centers of Cincinnati, Ohio, to purchase said vehicle; and

WHEREAS, Rush Truck Centers of Cincinnati, Ohio, is a party to a cooperative purchasing contract with the Ohio Department of Transportation (ODOT) under the authority of Ohio Revised Code Section 5513.01(B) to provide machinery, materials, supplies, or other articles to public entities and to award cooperative purchasing contracts through a competitive bidding process for said goods and services for all eligible political subdivisions in Ohio; and

WHEREAS, by entering into this agreement with Rush Truck Centers of Cincinnati, Ohio, through its contract with the ODOT, the City can purchase vehicles under the same terms and conditions but at a lower cost than 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 Rush Truck Centers of Cincinnati, Ohio, submitted through ODOT to supply the City with vehicles for the Public Works Department in the amount of \$109,080 be and is hereby accepted and approved.

Section No. 2: That upon delivery to this City of two equipment trailers with the proper specifications, to the full satisfaction of the Public Works Director and Finance Director, the Finance Director is hereby directed to deliver to Rush Truck Centers of Cincinnati, Ohio, the warrant of this City in the amount of \$109,080 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 passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 taking advantage of the current State pricing, and providing the Public Works Department with safe and reliable equipment in order that they may promptly and efficiently perform their duties, thus ensuring 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.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

POSTED: \_\_\_\_\_

\_\_\_\_\_  
Approved

ATTEST: \_\_\_\_\_

Clerk of Council

\_\_\_\_\_  
Mayor

AN ORDINANCE AUTHORIZING PAYMENT FOR SOFTWARE SUPPORT AND LICENSING OF OPENGOV CITIZENS SERVICES AND CARTEGRAPH ASSET MANAGEMENT SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 23-16 authorized a contract with OpenGov, Inc., of San Jose, California, for the installation and implementation of OpenGov Citizens Services and Cartegraph Asset Management System; and

WHEREAS, OpenGov, Inc., of San Jose, California, has submitted an invoice to the City for support and licensing, effective March 1, 2025, through February 28, 2026, in the amount of \$96,409.52.

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 OpenGov, Inc., of San Jose, California, the amount of \$96,409.52 for the annual support and licensing of the OpenGov Citizens Services and Cartegraph Asset Management System.

Section No. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 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

AN ORDINANCE PROVIDING LEGAL REPRESENTATION WITH THE PURCHASE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND AVON LAKE REDEVELOPMENT GROUP, LLC, (ALERG) AND DECLARING AN EMERGENCY.

WHEREAS, the Administration and Council have instructed Berns, Ockner & Greenberger, LLC, to represent the City with the purchase agreement between ALERG regarding the former Power Plant.

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

Section No. 1: That Berns, Ockner & Greenberg, LLC, be, and they are hereby authorized and directed to provide legal representation regarding the purchase agreement between ALERG of parcels of land located at the former Power Plant.

Section No. 2: That the Mayor is authorized to execute an agreement between Berns, Ockner & Greenberg, LLC, a copy of which is attached hereto and incorporated herein.

Section No. 3: That the necessary expenses for said representation shall be paid upon approval voucher submitted therefore in an amount not to exceed \$117,250, which is reimbursable through the Interim Development Agreement passed by Ordinance No. 24-143 on November 12, 2024.

Section No. 4: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of 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 of providing the City with legal representation regarding the acquisition of real property, thus ensuring 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

AN ORDINANCE AMENDING ORDINANCE NO. 24-78 AND DECLARING AN EMERGENCY.

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

Section No. 1: That Ordinance No. 24-78 is hereby amended as follows:

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~~ **\$596,975.58** 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~~ **\$99,495.93** such Lease Agreement to be substantially in form and substance acceptable to the Mayor and the Law Director.

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 correcting the bid amount of the salt truck for the Public Works Department, thus for the preservation of the public's 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