

Minutes Approved

As written

January 21, 2020

Regular Council Meeting

Elyria City Council

2/03/2020

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on Tuesday, January 21, 2020 at 7:00 P.M. by President Stewart. President Stewart opened the meeting with a moment of reflection and followed by the Pledge of Allegiance led by Clare Davies.

2. ROLL CALL--COUNCIL MEMBERS:

PRESENT: Callahan, Cerra, Oswald, Baird, Mitchell, Tollett, Madison, Davis, Keys, Jessie, Stewart

ABSENT: None

OTHERS PRESENT: Mayor Whitfield, Int. Safety Ser. Dir. Brubaker, Law Dir. Deery, Finance Dir. Pileski, Engineer Schneider, Asst. Fire Chief Norris, Police Chief Whitely, Asst. LD Breunig

3. PUBLIC HEARINGS:

The meeting recessed for a Public Hearing at 7:02 P.M. Clerk Lotko read the call to the Public Hearing.

You are hereby notified that a Public Hearing will be held on
Tuesday, January 21, 2020 at 7:00 P.M. in Council Chambers, 2nd Floor,
Elyria City Hall, 131 Court Street to consider the following:

An Ordinance pursuant to Chapter 1135, Codified Ordinances of
Elyria, Granting a Conditional Use Permit to NMG Ohio, LLC, an Ohio
Limited Liability Company, and MMCA Development, LLC, an Ohio
Limited Liability Company, for a Medical marijuana Processing Facility
on real property located at 719 Sugar Lane, Elyria Ohio.

President Stewart asked if there were any other proponents? There was none.

President Stewart asked if there were any opponents? There were none.

President Stewart declared the Public Hearing has been held.

The meeting resumed at 7:02 P.M.

3. PUBLIC HEARINGS: Continued

Sponsored by:	<u>ORDINANCE NO. 2020- 1</u>
<u>Community</u>	AN ORDINANCE PURSUANT TO CHAPTER 1135, CODIFIED
<u>Development:</u>	ORDINANCES OF ELYRIA, GRANTING A CONDITIONAL USE PERMIT
T. Callahan	TO NMG OHIO, LLC, AN OHIO LIMITED LIABILITY COMPANY, AND
D. Mitchell	MMCA DEVELOPMENT, LLC AN OHIO LIMITED LIABILITY
M. Jessie	COMPANY, FOR A MEDICAL MARIJUANA PROCESSING FACILITY ON
J. Cerra	REAL PROPERTY LOCATED AT 719 SUGAR LANE, ELYRIA, OHIO.
M. Madison	

Callahan moved, Mitchell seconded to pass this ordinance on its third reading.

PASSAGE:

AYE: 10

NAY: 1 (Tollett)

ABSENT: 0

MOTION CARRIED

4. APPROVAL OF MINUTES:

Mitchell moved, Cerra seconded that the Regular Meeting Minutes of January 6, 2020 be approved as printed.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor Whitfield: Mayor Whitfield comments are attached herewith, made a part thereof and designated as Exhibit "A".

Safety Service Director Brubaker: SSD Brubaker stated that he laid at everyone's seat an update on the snow plowing policies. They had received numerous calls from residents happy with the service over this weekend. He also noted that they are using brining which seems to be helping. Chief Whitely will be requesting permission for travel over five hundred (500) miles and he would also like to include four employees in that request. Mr. Brubaker stated that last week several issues arose with the water billing for service in Elyria Township. He has spoken with Mr Hutman, Trustee, and prorated bills will be issued to take care of the problem.

Finance Director Pileski: No Report

Law Director Deery: Law Director Deery requested that they go into Executive Session at the appropriate time for litigation and acquisition of real estate.

Police Chief Whitely: Police Chief Whitely's report is attached hereby, made a part thereof, and designated as Exhibit "B". Chief Whitely requested travel of over 500 (five hundred) miles for 4 (four) employees of the Department and 4 (four) employees for Mr. Brubaker.

5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Cerra moved, Madison seconded to approve travel of over 500 (five hundred) miles for City of Elyria employees for training purposes.

MOTION CARRIED

Asst. Fire Chief Norris: No Report

Engineer Schneider: Engineer Schneider gave a brief report on the progress on Bon Air, forty to sixty feet per day. Downtown is getting new street lights. West Avenue is still under construction and final road markings on all road construction is expected when weather conditions improve. Mr. Stewart had a question regarding Cleveland Street Mr. Schneider stated this is ODOT and he has been contacting very often: they have made some changes to the signage and that they are limited to what can be done in the winter. Mrs. Davis requested additional signage and lighting out on Rte. 57 at Griswold Rd and Rte 57 and also at 57 and Midway Mall Blvd for the turning lanes.

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

* = Matter done/partially done

1. The matter of an application for placement of Farmland in an Agricultural District.

REFERRED BY: Gregory and Karen Schlechter

REFERRED TO: Community Development

2. The matter of entering into an agreement for primary and Back-up Plans Examiners.

REFERRED BY: SSD Brubaker

REFERRED TO: Community Development

3. The matter of appointing Elyria Council Members to the City's Economic Development Committee for Job Creation Opportunity Incentive Program.

REFERRED BY: Mayor Whitfield

REFERRED TO: Community Development

4. The matter of amending the JEDD with Elyria Township to add parcels.

REFERRED BY: Asst. LD Breunig

REFERRED TO: Community Development W/Finance

5. The matter of a record keeping program for the Fire Prevention Inspection activities for EFD.

REFERRED BY: Fire Chief Mack

REFERRED TO: Finance

6. The matter of updating indigent headstone guidelines for Cemetery Department.

REFERRED BY: Cemetery Spt Given

REFERRED TO: Finance

7. The matter of Wastewater Plant Chemical Contract for 2020-2021.

REFERRED BY: WWPC Spt. Korzan

REFERRED TO: Utilities

6. PRESIDENT'S REFERRALS AND REMONSTRANCES: Continued

8. The matter of Water Pumping Chemical Contract for 2020-2021.

REFERRED BY: Waste Water Pumping Asst. Spt. Jacob

REFERRED TO: Utilities

7. PETITIONS--COUNCIL MEMBERS: None

8. PETITIONS--LOBBY: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS – FIRST READING: None

Sponsored by: RESOLUTION NO. R 2020-1

Finance: A RESOLUTION APPROVING THE COLLECTION OF DEMOLITION
V. Stewart, III RELATED COSTS FOR 218 9TH STREET, ELYRIA, OHIO, 44035 AND
M. Jessie DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID COSTS TO
B. Davis THE LORAIN COUNTY AUDITOR.

M. Madison

J. Baird

Madison moved, Tollett seconded to pass this resolution on its first reading under suspension of rules.

SUSPENSION:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES – FIRST READING:

Sponsored by: ORDINANCE NO. 2020-2
Community AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
Development: AGREEMENT WITH ELYRIA TOWNSHIP.
T. Callahan
D. Mitchell
M. Jessie
J. Cerra
M. Madison

Callahan moved, Mitchell seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2020-3
Community AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
Development: ANNEXATION AGREEMENT WITH CARLISLE TOWNSHIP.
T. Callahan
D. Mitchell
M. Jessie
J. Cerra
M. Madison

Callahan moved, Mitchell seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

13. ORDINANCES – FIRST READING: Continued

Sponsored by: ORDINANCE NO. 2020-4
Finance: AN ORDINANCE AMENDING ORDINANCE NO. 2019-199. KNOWN AS
V. Stewart, III THE “2020 TEMPORARY APPROPRIATIONS ORDINANCE.”
B. Davis
M. Madison
M. Jessie
J. Baird

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2020-5
Finance: AN ORDINANCE AMENDING ORDINANCE NO. 2016-6, KNOWN AS THE
V. Stewart, III “SALARY ORDINANCE”, INCLUDING ORDINANCE NOS. 2019-201,
B. Davis 2019-206, AND 2019-207, TO REFLECT THE CORRECT WAGES FOR
M. Madison SPECIFIED NON-BARGAINING CLASSIFIED AND UNCLASSIFIED
M. Jessie POSITION PAY GRADES , FOR SEASONAL PART-TIME HOURLY
J. Baird POSITIONS AND CERTAIN ELECTED OFFICIALS EFFECTIVE
 JANUARY 1, 2020.

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

13. ORDINANCES – FIRST READING: Continued

Sponsored by: ORDINANCE NO. 2020-6
Finance: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO CREATE
V. Stewart, III A NEW CAPITAL PROJECTS FUND.
B. Davis
M. Madison
M. Jessie
J. Baird

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2020-7
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
V. Stewart, III CHANGE ORDER NO. 1 WITH PRECISION PAVING, INC. FOR THE 2019
B. Davis CDBG SOUTH PARK TENNIS COURT COATING AND STRIPING
M. Madison PROJECT.
M. Jessie
J. Baird

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2020-8
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
V. Stewart, III MAINTENANCE AND SUPPORT AGREEMENT WITH TYLER/NEW
B. Davis WORLD SYSTEMS FOR SOFTWARE SUPPORT FOR THE CITY OF
M. Madison ELYRIA.
M. Jessie
J. Baird

13. ORDINANCES – FIRST READING: Continued

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:
AYE: 11
NAY: 0
ABSENT: 0
MOTION CARRIED

PASSAGE:
AYE: 11
NAY: 0
ABSENT: 0
MOTION CARRIED

Sponsored by:
Finance:
V. Stewart, III
B. Davis
M. Madison
M. Jessie
J. Baird

ORDINANCE NO. 2020-9
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CHANGE ORDER NO. 1 WITH D. L. SMITH CONCRETE, LLC FOR THE 2019 CDBG SIDEWALK REPAIR PROJECT.

Madison moved, Tollett seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION:
AYE: 11
NAY: 0
ABSENT: 0
MOTION CARRIED

PASSAGE:
AYE: 11
NAY: 0
ABSENT: 0
MOTION CARRIED

Sponsored by:
Community Development:
T. Callahan
D. Mitchell
M. Jessie
J. Cerra
M. Madison
Finance:
V. Stewart, III
B. Davis
M. Madison
M. Jessie
J. Baird

ORDINANCE NO. 2020-10
AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNER OF THE IMPROVEMENTS ON SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43 AND DECLARING AN EMERGENCY.

13. ORDINANCES – FIRST READING: Continued

Callahan moved, Madison seconded to pass this ordinance on its first reading under suspension of rules and declaring an emergency.

SUSPENSION:	EMERGENCY:	PASSAGE:
AYE: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

14. ORDINANCES–SECOND READING: None

15. ORDINANCES–THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT 1/27/20 6:10 P.M. Joint with Finance to Follow
CD All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg.
Insp.

FINANCE 1/27/20 Following CD and Joint with CD All Referred Items
Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

RULES 1/27/20 6:00 P.M. All Referred Items Council Chambers w/law
Director

UTILITIES 1/29/20 6:00 P.M. All Referred Items w/SSD, Law Director, Engineer

STRATEGIC PLANNING 2/3/20 Immediately following Council All Referred
Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor,
Engineer

17. MISCELLANEOUS & UNFINISHED BUSINESS:

Mr. Jessie reported on the fund raiser for Issue 6 that will be held this Saturday, January 25, 2020 from 6:00 P.M. until 10:00 P.M. The band will play from 6:30 P.M. until 9:30 P.M. They have 24 table sponsors and 30 baskets. Sold 230 tickets, ordered food or 260 so you can get a ticket at the door. Anyone willing to help should be there at 1:00 for set up. Need one or two more desserts.

Mr. Madison congratulated the Administration; the MLK Celebration was amazing. Many citizens want to get involved in things in Elyria. Mayor Whitfield stated that people can sign up on the FB page and they will be updating the City's website.

17. MISCELLANEOUS & UNFINISHED BUSINESS: Continued

Baird moved, Davis seconded to go into Executive Session at 7:30 P.M.

ROLL CALL VOTE:

AYE: Callahan, Cerra, Oswald, Baird, Mitchell, Tollett, Madison, Davis, Keys, Jessie, Stewart

NAY: 0

MOTION CARRIED

Baird moved, Cerra seconded to come out of Executive Session at 8:25 P.M.

ROLL CALL VOTE:

AYE: Callahan, Cerra, Oswald, Baird, Mitchell, Tollett, Madison, Davis, Keys, Jessie, Stewart

NAY: 0

MOTION CARRIED

ORDINANCE NO. 2020-11

AN ORDINANCE AUTHORIZING SETTLEMENT WITH
THE PLAINTIFF IN LORAIN COUNTY COURT OF
COMMON PLEASE CASE NO. 18CV194317,
CAPTIONED KRISTEN FORTUNE V. CITY OF ELYRIA,
AND DECLARING AN EMERGENCY.

Baird moved, Cerra seconded to pass this ordinance on its first reading under suspension of rules and declaring an emergency.

SUSPENSION:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

EMERGENCY:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

18. ADJOURNMENT:

Baird motioned to adjourn, seconded by Mitchell.

MOTION CARRIED 8:28 P.M.

Michael J. Lotko, III
Clerk of Council

Victor F. Stewart, III
President of Council