

Minutes Approved

March 15, 2021
Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on Monday, March 15, 2021 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 Mr. Cerra. Virtual Council meeting. The recording/audio tape of this meeting is available on Elyria on YouTube. (Zoom meeting)

2. ROLL CALL--COUNCIL MEMBERS:

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

ABSENT: Jessie

Cerra moved, Mitchell second to approve Mr. Jessie's absence

MOTION CARRIED:

OTHERS PRESENT: Mayor Whitfield, Safety Ser. Dir. Brubaker, ASSD Feuerstein ASSD Flanders, Law Dir. Deery Asst. Law Dir. Breunig, Clerk Lotko, Finance Dir. Pileski, Asst. Fin Dir. John Farrell, Police Chief Whitely, Parks & Rec Dir. Reardon, Supt. Terry Korzan, Darryl Farkas, Fire Chief Carl Mack, Eng. Kathy McKillips

ABSENT: None

3. PUBLIC HEARINGS:

The meeting recessed for the first Public Hearing at 7:07 P.M. Clerk Lotko read the call to the Public Hearing.

You are hereby notified that a Public Hearing will be held on Monday, March 15, 2021 at 7:00 P.M. during a virtual Elyria City Council Meeting, to consider the following:

AN ORDINANCE AMENDING SECTION 113102, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO OVERLAY A L-1 LIGHT INDUSTRIAL DISTRICT OVER A B-G BUSINESS-GENERAL DISTRICT AS SET FORTH IN CHAPTER 1176, REDEVELOPMENT OVERLAY DISTRICT ("RDOD"), CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, FOR REAL PROPERTY LOCATED AT MIDWAY MALL, ELYRIA, OHIO AND OWNED BY ELYRIA MIDWAY MALL, LLC, ELYRIA REALTY, LLC, MIDWAY NASSIM, LLC, ELYRIA 4000 MIDWAY MALL, LLC, AND KE ELYRIA LLC, AND DECLARING AN EMERGENCY

President Stewart asked if there were any proponents?

President Stewart asked if there were any proponents?

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

3. PUBLIC HEARINGS : Continued

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

3. PUBLIC HEARINGS: CONTINUED

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

President Stewart declared the Public Hearing has been held.

The meeting resumed at 7:08 P.M.

Sponsored by:	<u>ORDINANCE NO. 2021-48</u>
Community	AN ORDINANCE AMENDING SECTION 113102, CODIFIED
Development:	ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE
T. Callahan	ZONING ORDINANCE, TO OVERLAY A L-1 LIGHT INDUSTRIAL
D. Mitchell	DISTRICT OVER A B-G BUSINESS-GENERAL DISTRICT AS SET FORTH
J. Cerra	IN CHAPTER 1176, REDEVELOPMENT OVERLAY DISTRICT (“RDOD”),
M. Jessie	CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, FOR REAL
K. Oswald	PROPERTY LOCATED AT MIDWAY MALL, ELYRIA, OHIO AND
	OWNED BY ELYRIA MIDWAY MALL, LLC, ELYRIA REALTY, LLC,
	MIDWAY NASSIM, LLC, ELYRIA 4000 MIDWAY MALL, LLC, AND KE
	ELYRIA LLC, AND DECLARING AN EMERGENCY

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

PASSAGE:
 AYE: 10
 NAY: 0
 ABSENT: 1 (Mark Jessie)
 MOTION CARRIED

The meeting recessed for the second Public Hearing at 7:09P.M. Clerk Lotko read the call to the Public Hearing.

You are hereby notified that a Public Hearing will be held on Monday, March 15, 2021 at 7:00 P.M. during a virtual Elyria City Council Meeting, to consider the following:

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO TO DOMINIC D. PRICE AND COURTNEY R. PRICE FOR TYPE ‘A’ IN-HOME CHILD CARE, AT REAL PROPERTY LOCATED AT 108 REGENCY COURT, ELYRIA, OHIO.

President Stewart asked if there were any proponents?
 President Stewart asked if there were any proponents?

3. PUBLIC HEARINGS: CONTINUED

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

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

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

President Stewart declared the Public Hearing has been held.

The meeting resumed at 7:10 P.M.

Sponsored by:	ORDINANCE NO. 2021-49
Community	AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
Development:	PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF
T. Callahan	THE CITY OF ELYRIA, OHIO TO DOMINIC D. PRICE AND COURTNEY
D. Mitchell	R. PRICE FOR TYPE 'A' IN-HOME CHILD CARE, AT REAL PROPERTY
J. Cerra	LOCATED AT 108 REGENCY COURT, ELYRIA, OHIO.
M. Jessie	
K. Oswald	

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

PASSAGE:
 AYE: 10
 NAY: 0
 ABSENT: 1 (Mark Jessie)
 MOTION CARRIED

4. APPROVAL OF MINUTES:

Cerra moved, Tollett seconded that the Regular Meeting Minutes of March 1, 2021 be approved as printed.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Council President Stewart: None

Mayor Whitfield: The mayor-thanked council for moving quickly on the Midway Mall overlay, stated, he is looking forward to new opportunities at the Mall. Expressed his gratitude to the government for passing the American Rescue Plan, helping put money in people’s pockets and providing assistance as needed. The Mayor stated today is the memorial day of James Kerstetter, whom we lost in 2010, he will allow Chief Whitely to share more.

5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED

Safety Service Director Brubaker: Provided a quick update on demolition debris regarding Revco building, plan is that it will be removed this week. A ramp had to be built on the Mardi Gras building, an asbestos survey was returned clean for a portion of the building. Demolition will continue over to Kerstetter Way, with hopes of having Washington Ave. Opened by April 15, 2021.

Finance Director Pileski: Mr. Pileski stated that RITA distribution was received last week. The second distribution was a little better in the amount of \$26,018.00 compared to March 2020. However two distributions are down \$500,702.00, a drop of 19.7%. Finance Director Pileski states that we are still going in the wrong direction as far as revenue is concerned. Question by Councilman Tollett to Finance Director Pileski: "Can you provide year to date figures from Regional Income Tax Agency " Finance Dir. Pileski stated that a review of the distributions are for the first two periods of the year. We are down about \$200,000.00, so roughly 10%. There is still a 5% drop in projected incomes. March hit the City pretty hard and if we keep having months like this, we're going to drop fast.

Law Director Deery: No Report

Police Chief Whitely: Chief Whitely stated that last Monday (3/8/2021) the Mayor swore in five new Elyria Police Officers. One is in the academy and will finish in May, the other four start today in the Police Academy and will finish sometime in August or September. The time frame before a new officer can be placed on the road by themselves is usually a year. Chief Whitely presented a request for referral from the floor for a grant from the Northern Ohio Violent Crime Consortium (NOVCC), through the U.S. Attorney General's office. Elyria is one of eight cities that is a recipient of the grant that is granted through the police departments. Specifics and dollar amount will be forthcoming. At this time the request is for the mayor to enter into discussions regarding the grant. Chief Whitely stated that he doesn't believe the cost will exceed \$30,000.00. The last thing mentioned, is that eleven years ago today, Officer Kerstetter was killed in the line of duty. It was a very difficult day for the department and the Kerstetter family. Today the Police Department held a memorial, the event was not advertised due to Covid-19. The Kerstetter family, Mayor Whitfield, Safety Service Director Brubaker, HR Dir. Feuerstein, a lot of retired officers and new officers were in attendance. It's a very somber day and a day that many who were there will never forget. Chief Whitely stated that 60-65% of the police workforce has changed from eleven years ago and was not a part of the force at the time of Officer Kerstetter's death. They have attempted to keep Officer Kerstetter's memory alive, support his family and ensure that new officers understand the perils of the job. Chief Whitely shared the amazing personality characteristics "Jimmy", Officer Kerstetter, he said that he had a way of calming anyone down and unfortunately that night he didn't get a chance to do that. It was a very tragic day in the city. Once again our thoughts and prayers are extended to the family and the officers in blue, the Elyria Police Department men and women, we appreciate them for putting their lives on the line everyday.

5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED

Fire Chief Mack: No report.

Engr. McKillips: No Report

ASSD. Feuerstein: No Report

However, would like to highlight that summer season is coming upon us, and we are in need of help in several departments. If you know of any great candidates, please send them to City of Elyria, HR Department. Question from Mr. Jack Cerra, what kind of positions are you seeking candidates for? ASSD Feuerstein responded mainly manual labor positions in Water Distribution, Streets, Parks & Rec. and Building and Lands, various departments throughout the city.

ASSD Flanders: Ms. Flanders stated that she is eager and excited to share information regarding an online computer sponsorship program. Additional details are forthcoming. Computer training classes will be starting back up for residents. If you are interested and would like to sign up, please visit: elyriacares.com

Supt. Terry Korzan: No report

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

1. The matter of the 2021 CHIP Application. w/ Finance
REFERRED TO: Community Development

2. The matter of the CARES ACT Small Business Program. w/ Finance
REFERRED TO: Community Development

3. The matter of a request for a new liquor license by:
Riser Foods Co, DBA Get Go, 559 Midway Blvd, Elyria (Class D1)
Rubins Deli & Restaurant, 312 Chestnut Commons Dr., Elyria (Class D1, D2, D6)
H & H Market And Deli LLC, 616 Prospect St., Elyria (Class C2, C2X)
REFERRED TO: Community Development

4. The matter of the of liens for demolition related costs.
REFERRED TO: Finance

5. The matter of Moral claim for damage: Melinda Lipian, 614 Garford Ave.
REFERRED TO: Finance

6. The matter of a grant through the US Attorney General for EPD
REFERRED TO: Finance

7. The matter of authorizing bid advertising for 2021 Street Sweeping
REFERRED TO: Utilities

5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED

8. The matter of the South Park- Mini Pioneers Football

REFERRED TO: Utilities

9. The matter of the South Park ballfield use

REFERRED TO: Utilities

10. The matter of the GESA field use- West Park

REFERRED TO: Utilities

11. The matter of the North Park Majors ballfield use

REFERRED TO: Utilities

7. PETITIONS COUNCIL MEMBERS: None

8. PETITIONS--LOBBY: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS – FIRST READING:

Sponsored by:	RESOLUTION NO. R2021-7
Community	A RESOLUTION IN SUPPORT OF AMTRAK’S PROPOSED EXPANSION
Development:	OF PASSENGER RAIL SERVICES IN OHIO AND FOR CONGRESSIONAL
T. Callahan	ACTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR SAID
D. Mitchell	EXPANSION.
J. Cerra	
K. Oswald	
M. Jessie	

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

SUSPENSION:	PASSAGE:
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED

10. RESOLUTIONS – FIRST READING: CONTINUED

Sponsored by:	<u>RESOLUTION NO. R2021-8</u>
Finance:	A RESOLUTION APPROVING A LIST SUBMITTED BY THE SAFETY
V. Stewart, III	SERVICE DIRECTOR FOR THE COLLECTION OF DELINQUENT
J. Baird	INACTIVE UTILITY ACCOUNTS AND DIRECTING THE CLERK OF
P. Tollett	COUNCIL TO CERTIFY SAID ACCOUNTS TO THE LORAIN COUNTY
B. Davis	AUDITOR.
M. Jessie	

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

SUSPENSION:	PASSAGE:
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES – FIRST READING:

Sponsored by:	<u>ORDINANCE NO. 2021-50</u>
Finance:	AN ORDINANCE TO AUTHORIZE THE PERMANENT
V. Stewart, III	APPROPRIATIONS OF THE CITY OF ELYRIA, OHIO, FOR
P. Tollett	THE YEAR 2021.
J. Baird	
B. Davis	
M. Jessie	

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

SUSPENSION:	PASSAGE:
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED

13. ORDINANCES – FIRST READING: CONTINUED

Sponsored by: ORDINANCE NO. 2021-51
 Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
 V. Stewart, III INTO A SECOND AMENDMENT TO THE WATER
 P. Tollett AGREEMENT BETWEEN THE CITY OF NORTH RIDGEVILLE
 J. Baird AND THE CITY OF ELYRIA, AND DECLARING AN
 B. Davis EMERGENCY.
 M. Jessie

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

SUSPENSION:	EMERGENCY:	PASSAGE:
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2021-52
 Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
 V. Stewart, III A CONTRACT WITH EVOQUA WATER TECHNOLOGIES FOR
 P. Tollett THE REPAIR OF THE TRAVELING WATER SCREEN AT THE
 J. Baird WATER PUMPING PLANT.
 B. Davis
 M. Jessie

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

SUSPENSION:	PASSAGE:
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2021-53
 Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN
 V. Stewart, III APPLICATION TO THE OHIO DEPARTMENT OF NATURAL
 P. Tollett RESOURCES (ODNR) , AND ACCEPT, IF OFFERED, THE
 J. Baird RECREATIONAL TRAILS PROGRAM GRANT FOR THE PARKS
 B. Davis AND RECREATION DEPARTMENT, AND DECLARING AN
 M. Jessie EMERGENCY. AND DECLARING AN EMERGENCY.

13. ORDINANCES – FIRST READING: CONTINUED

Tollett moved, Davis seconded to pass this resolution on its first reading under suspension of the rules and declaring an emergency.

SUSPENSION:	EMERGENCY:	PASSAGE:
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

Sponsored by: ORDINANCE NO. 2021-54
 Finance: AN ORDINANCE CODIFYING THE EMPLOYEES
 V. Stewart, III HOSPITALIZATION PLAN COMMITTEE.
 P. Tollett
 J. Baird
 B. Davis
 M. Jessie

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

SUSPENSION:	PASSAGE:
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1 (Jessie)	ABSENT: 1 (Jessie)
MOTION CARRIED	MOTION CARRIED

14. ORDINANCES–SECOND READING: None

15. ORDINANCES–THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT 3/29/2021 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.
VIRTUAL/ZOOM

FINANCE 3/29/2021 Following CD All Referred Items Council Chambers w/Mayor, Fin. Director, Law Director, SSD, Engineer
VIRTUAL/ZOOM

UTILITIES, SAFETY & ENVIRONMENT 3/24/2021 6:00 P.M. All Referred items w/ Law Director, SSD, Engineer

STRATEGIC PLANNING 4/5/2021 Immediately following Council All Referred Items Council Chambers W/ Mayor, Safety Service Director, Finance Dir., Law Director, Engineer
VIRTUAL/ZOOM

17. MISC AND UNFINISHED BUSINESS:

Finance Director Pileski requested from the clerk's office a certified copy of the permanent appropriation ordinance to be filed with the Lorain County Budget Commission.

President Stewart provided well wishes to Ms. Carol Billman who is retiring after twenty three years of service to the Council Clerk's office. This is Carol's last city council meeting, she has done a tremendous job in being a mentor to many over the years, her service, commitment and most importantly her friendship is appreciated. Mr. Stewart wished Carol all the best in the years to come.

Mr. Baird expressed that Carol has been the anchor that has kept the clerk's office together.

Ms. Mitchell expressed that twelve years ago when she started on council, Carol guided her, but most importantly became her friend.

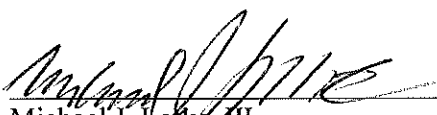
Ms. Davis thanked Carol for being a friend, expressed her appreciation for always being able to call for information and wished Carol a happy retirement.

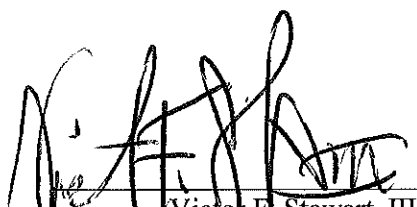
Mayor Whitfield expressed his appreciation for Carol as the newbie, she has been helpful.

SSD Brubaker expressed that it has been a pleasure to work with Carol over the years and wished her well.

18. ADJOURNMENT:

Baird motioned to adjourn, seconded by Mitchell. Adjourned 7:35 P.M.
MOTION CARRIED


Michael J. Lotke, III
Clerk of Council


Victor F. Stewart, III
President of Council