

Minutes Approved

6/17/2021 May 17, 2021

As Circulated Regular Council Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on Monday, May 17, 2021 at 7:02 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 City of Elyria Channel on YouTube. (Zoom meeting)

**2. ROLL CALL--COUNCIL MEMBERS:**

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

ABSENT: None

OTHERS PRESENT: Mayor Whitfield, SSD Brubaker, ASSD Calvert, ASSD Williams, Law Dir. Deery, Asst., Clerk Lotko, Finance Dir. Pileski, Asst. Fin Dir. John Farrell, Police Chief Whitely, Fire Chief Carl Mack, Superintendent Terry Korzan

ABSENT: None

**4. APPROVAL OF MINUTES:**

Cerra moved, Mitchell seconded that the Regular Meeting Minutes of May 3, 2021 be approved as circulated.

MOTION CARRIED

**5. REMARKS AND REPORTS OF CITY OFFICIALS:**

Council President Stewart: None

Mayor Whitfield:

Mayor Whitfield expressed recognition and appreciation for everyone who came out over the weekend to volunteer for Pride Day and help spruce up the city. He also expressed his appreciation to those whom donated bikes to the Elyria Bicycle Center. An overwhelming amount of bicycles were received and they are excited to get the bicycles distributed. If anyone knows of children in need of a bike, please visit elyriacares.com to sign up for a bike. In addition, at the last council meeting a snapshot of Elyria major investments were presented, we have received feedback from community members as well as council members as well as the needs from your perspective. We have been taking a look into the American Rescue Plan with the guidance of finance regarding eligible use of funds.

## 5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED

### Safety Service Director Brubaker:

SSD Brubaker shared that City Hall is open from 8:00 a.m. until 4:30 p.m, west entrance back door off of parking lot. The administration is still requesting a check in of all visitors at the Utilities window. The utility payment kiosk will be functioning soon. Also working on building protocol for after June 2<sup>nd</sup>. SSD Brubaker provided kudos to the Communications Dept. for placing flower baskets throughout the city. Kudos to Scott Payne and Andrew Fisher from the Forestry Dept. for planting the plants in the pots throughout downtown. Also, kudos to the Building and Lands and Parks and Rec departments, they have been responsible for mulching, placing weed and feed and water the planters daily and over the weekend. Lastly kudos and appreciation was extended to two Building and Land employees, Maintenance Manager, Brett Schneider and part-time employee Lexy who spend their mornings cleaning up the downtown area that has caught the attention of business owners. President Stewart asked about an update to the Uncle Vic's building. SSD Brubaker responded that demolition should begin on Monday. A notification to the EPA required a fourteen day notification process that has just been completed. Mr. Oswald asked if we can have some signs that state "Please don't litter". SSD Brubaker will work with both the Street and Sign departments to see if he can get some signs produced.

Finance Director Pileski: No report

Law Director Deery: No report

Fire Chief Mack: No report

Police Chief Whitely: No report

Questions posed from Mr. Oswald regarding the digging process for the new fence and whether or not gates are going to be accessible coming in and out. Chief Whitely explained that there will be gates coming into the police area of the parking lot, however the visitor entrance will not have a gate as its entry location will remain the same as it is currently. Chief Whitely deferred the question regarding the trenches to the Engineer. Engineer Schneider explained that concrete will be poured in the trenches. The process assist with facility maintenance to avoid edging. President Stewart asked if the entrance is being reconfigured? The police entrance will shift north of its current location, however the visitor entrance will remain in the same location.

Eng. Schneider: No report

ASSD Williams:

ASSD Williams provided an update on the central maintenance garage project, he stated a group visited ODOT facilities throughout the state and provided feedback on the blueprints shared with departments. He stated more specifics will be reported regarding time lines and how the process is advancing. Mr. Oswald says that he visited the "taj mahal" not sure how he feels about the

## **5. REMARKS AND REPORTS OF CITY OFFICIALS: CONTINUED**

dollar amount associated with the building. President Stewart, explained to Mr. Oswald that he understood his concerns, however the investment is in capital investments, a lot of trucks and plows that need to be under roof. Mr. Jessie weighed in to say that the purchase of a new Central Maintenance Garage is not about the convenience of our employees, although it certainly is a byproduct. However the most important thing is protecting the investment of the equipment. Mr. Tollett commended the administration and council on working together on this process so far. He also reminded everyone that this is a fifty year minimum investment. It would not be a good idea to build a cheap structure, we need to build the correct type of structure that will last fifty years. He believes that we have to look to the future, and that what was presented during the site visit is what is needed.

The next update provided was in regard to Covid-19 protocols. Safety Service is in the process of redefining Covid-19 protocols as it relates to the safety of staff and community; especially as it relates to facility rentals within the Parks and Rec Department. Effective May rental of our facilities will begin. An anonymous survey will be submitted to City employees to gauge who has or has not been vaccinated. Correspondence has and will be maintained with Lorain County Health District throughout this process.

The last update was regarding mobile vaccination clinics that will take place during the Third Thursday concerts and some Saturday events. Mrs. Davis expressed that she would hope a downtown location would be feasible for the vaccination clinics as many people walk in the downtown area. It would be encouraging that they would not have to seek out transportation if the vaccination site was within walking distance. ASSD Williams stated they will provide two units and are looking to provide two products, one being the Johnson and Johnson and the other Phfizer. For the next eight weeks on Saturdays and the Third Thursdays they plan to have the vaccination clinics running.

### **ASSD Calvert:**

ASSD Calvert provided an update regarding design review and zoning. Zoning changes have been requested to include, allowing a microbrewery downtown, allow outdoor seating, LED lighting with the design review process and cabinet signs. ASSD Calvert also provided an update regarding Crane Aerospace in that they will break ground on their expansion in the next month. The Crane Aerospace expansion is a half million dollar investment that will provide ten full-time jobs.

### **Sup. Terry Korzan:**

Superintendent Terry Korzan provided an update from the Waste Water Treatment Plant, they have been working with the Ohio EPA for over a year currently on the revision of the MPDES permit for plant operations. Several team members are in the process of reviewing the draft fifty-eight page document before it will finalized as a new permit.

**6. PRESIDENT'S REFERRALS AND REMONSTRANCES:**

1. The matter of a Downtown Facade Improvement Program application

REFERRED TO: Joint - Community Development & Finance

2. The matter of a Covid-19 Emergency Loan application.

REFERRED TO: Joint - Community Development & Finance

3. The matter of a Covid-19 Emergency Loan application.

REFERRED TO: Joint - Community Development & Finance

4. The matter of a Northeast Ohio Public Energy Council (NOPEC) Grant

REFERRED TO: Finance

5. The matter of a Seasonal Ely Square Farmers Market

REFERRED TO: Utilities, Safety & Environment

6. The matter of Seasonal Ely Square Third Thursday Events

REFERRED TO: Joint- Finance & Utilities, Safety & Environment

7. The matter of the Clark Street Water Tower Improvements

REFERRED TO: Utilities, Safety & Environment

8. The matter of an Elyria Trail Connector in Partnership with Lorain County Public Health

REFERRED TO: Joint- Finance & Utilities, Safety & Environment

9. The matter of the part-time seasonal wage ordinance

REFERRED TO: Finance

10. The matter of rezoning 115 Longfellow Street: Elyria Budget Auto

REFERRED TO: Community Development & Planning Commission

11. The matter of renewing the Finwood Apartment Lease for Inez James

REFERRED TO: Joint - Community Development & Finance

**7. PETITIONS COUNCIL MEMBERS: None**

**8. PETITIONS LOBBY:** None

**9. REPORTS OF STANDING AND SPECIAL COMMITTEES:** None

**10. RESOLUTIONS – FIRST READING:**

Sponsored by:	<b><u>RESOLUTION NO. R2021-13</u></b>
Finance:	A RESOLUTION APPROVING A LIST SUBMITTED BY THE
V. Stewart, III	SAFETY SERVICE DIRECTOR FOR THE
J. Baird	COLLECTION OF DELINQUENT INACTIVE UTILITY
P. Tollett	ACCOUNTS AND DIRECTING THE CLERK OF
B. Davis	COUNCIL TO CERTIFY SIAD ACCOUNTS TO THE LORAIN
M. Jessie	COUNTY AUDITOR.

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

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

Sponsored by:	<b><u>RESOLUTION NO. R2021-14</u></b>
Community	A RESOLUTION ADOPTING THE REPORT OF THE ELYRIA
Development:	ECONOMIC DEVELOPMENT
T. Callahan	COMMITTEE.
M. Jessie	
D. Mitchell	
K. Oswald	
J. Cerra	

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

**10. RESOLUTIONS – FIRST READING: CONTINUED**

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

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

**11. RESOLUTIONS--SECOND READING: None**

**12. RESOLUTIONS--THIRD READING: None**

**13. ORDINANCES – FIRST READING:**

Sponsored by:	<b><u>ORDINANCE NO. 2021- 83</u></b>
Finance:	AN ORDINANCE AUTHORIZING THE FINANCE
V. Stewart, III	DIRECTOR TO CREATE A NEW SPECIAL
P. Tollett	REVENUE FUND..
J. Baird	
B. Davis	
M. Jessie	

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the 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. 2021- 84**  
 Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO  
 V. Stewart, III ENTER INTO A CONTRACT TO PURCHASE A  
 P. Tollett NEW FIRE ENGINE FOR THE FIRE DEPARTMENT,  
 J. Baird THROUGH THE STATE OF OHIO PURCHASING  
 B. Davis PROGRAM OR EQUIVALENT PROGRAM, AND  
 M. Jessie DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules and declared 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

Sponsored by: **ORDINANCE NO. 2021- 85**  
 Utilities, Safety AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
 & Environment INTO A MEMORANDUM OF  
 D. Mitchell UNDERSTANDING WITH THE SEVERAL LAW  
 B. Davis ENFORCEMENT AGENCIES OF LORAIN COUNTY  
 J. Cerra FOR PURPOSES OF A MUTUAL AID AGREEMENT, AND  
 D. Simmons DECLARING AN EMERGENCY.

Mitchell moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules and declared 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

**13. ORDINANCES – FIRST READING: CONTINUED**

Sponsored by: **ORDINANCE NO. 2021-86**  
 Utilities, Safety & Environment AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT  
 D. Mitchell AN APPLICATION TO THE OHIO DEPARTMENT OF  
 B. Davis NATURAL RESOURCES (ODNR), AND ACCEPT, IF  
 J. Cerra OFFERED, THE NATURE WORKS 27<sup>TH</sup> ROUND GRANT FOR  
 D. Simmons THE PARKS AND RECREATION DEPARTMENT, AND  
 DECLARING AN EMERGENCY.

Mitchell moved, Davis seconded to pass this ordinance on its first reading under suspension of the 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

Sponsored by: **ORDINANCE NO. 2021-87**  
 Utilities, Safety & Environment AN ORDINANCE AUTHORIZING THE MAYOR TO EXERCISE  
 D. Mitchell THE FIRST YEAR OPTION OF THE  
 B. Davis EXISTING SLUDGE DISPOSAL CONTRACT WITH LORAIN  
 J. Cerra COUNTY LANDFILL, LLC FOR  
 D. Simmons SLUDGE CAKE DISPOSAL.

Mitchell moved, Davis seconded to pass this ordinance on its first reading under suspension of the 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. 2021-88**  
 Utilities, Safety & Environment AN ORDINANCE AUTHORIZING THE MAYOR TO  
 D. Mitchell ADVERTISE FOR BIDS, AND ENTER INTO A  
 B. Davis CONTRACT FOR THE WATER PUMPING PLANT SLUDGE  
 J. Cerra CAKE DISPOSAL.  
 D. Simmons

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

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

Sponsored by: **ORDINANCE NO. 2021-89**  
 Finance: AN ORDINANCE AMENDING ORDINANCE NO. 2021-81, AN  
 V. Stewart, III ORDINANCE AUTHORIZING THE  
 P. Tollett MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A  
 J. Baird CONTRACT FOR THE 2021 STREET  
 B. Davis RESURFACING PROJECT, TO REPLACE THE EXISTING  
 M. Jessie EXHIBIT ‘A’ WITH THE NEW EXHIBIT ‘A’  
 AND DECLARING AN EMERGENCY.

Mitchell motion to consider the amendment without the benefit of a referral or committee report, Cerra seconded.

Mitchell moved, Cerra seconded to pass this ordinance on its first reading under suspension of the 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** All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.  
**VIRTUAL/ZOOM**

**FINANCE** 5/24/2021 Following CD All Referred Items Council Chambers w/Mayor, Fin. Director, Law Director, SSD, Engineer  
**VIRTUAL/ZOOM**

**UTILITIES, SAFETY & ENVIRONMENT** 5/26/2021 6:00 P.M. All Referred items w/ Law Director, SSD, Engineer

**STRATEGIC PLANNING 6/7/2021** 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:**

Sponsored by: **ORDINANCE NO. 2021-90**  
Finance: AN ORDINANCE APPOINTING A BOARD OF TAX REVIEW  
V. Stewart, III FOR THE CITY OF ELYRIA PURSUANT TO SECTION 192.21  
P. Tollett OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA,  
J. Baird AND DECLARING AN EMERGENCY  
B. Davis  
M. Jessie

Tollett motion to waive any service defects to the legislation laid on the table, Davis seconded  
MOTION CARRIED

Tollett motion, Davis seconded to pass this ordinance on its first reading under suspension of the 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

**17. MISC AND UNFINISHED BUSINESS:**

Mrs. Simmons shared a letter from Mr. Aric Bowens regarding the South T-Ball Club status. He stated that things are going great, he would like to continue his relationship with the City. He would love to see more youth baseball and fields at South Rec in the future.

Mr. Oswald expressed concerns with code violations regarding high grass and sanitation carts being left on the curb lawn, the resident is ticketed, the process takes six to eight months through the court, however it doesn't appear to be a resolve. Mayor Whitfield responded that the city will respond and take care of nuisance high grass complaints, however the city will recoup the resources. SSD Brubaker responded that he doesn't think tickets are the best response, because it's easy to pay a ticket and the issue remain. He believes that the Building Dept. does a great job responding to complaints, residents re cited for not only the complaint that was called in but also any other violations that are seen from the public right away during the visit. When the violations are not completed within the thirty day period, criminal charges are filed through the courts. Our prosecutor's office does a very good job, however they have to follow protocols in regards to notifications. The overall goal is resident compliance. Residents have legal rights through due process. Law Director Deery responded that she is empathetic to all concerns, she and her family as residents have had their share of complaints as well. The court process is certainly not a quick fix. The prosecutor's office goes after property owner and tenants alike. Even after going through the administrative process, one case from the Law Office was unsuccessful in servicing a defendant from 2019 until this last spring. The cases are misdemeanor cases and unfortunately there are no laws in place to correct or prevent people from being bad neighbors. The Law Department will continue to do their best to enforce the laws. There is no quick fix solution and the courts would much prefer to have compliance opposed to a fine or jail with no resolution to the problem.

Mrs. Simmons requested that the bush on the corner of Washington Ave. be trimmed, she has received several complaints that residents cant see oncoming traffic at the intersection. SSD Brubaker responded it is done.

Mrs. Mitchell expressed that she has never had an instance with the Building Dept. that has not been addressed timely. She made a point of saying she contacts the Building Dept. Quite frequently. She does not want the impression to be that Council is bashing the Building Dept. Mrs. Mitchell believes that the Inspectors and the other building employees do a fantastic job, and reiterated that she understands the process and appreciates all that SSd Brubaker an the team does.

## **18. ADJOURNMENT:**

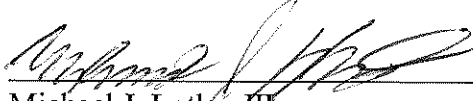
REGULAR COUNCIL MEETING

ELYRIA CITY COUNCIL

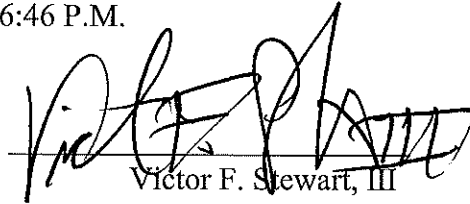
MAY 17, 2021

Baird Motion to adjourn, Cerra seconded at 6:46 P.M.

MOTION CARRIED



Michael J. Lotko, III  
Clerk of Council



Victor F. Stewart, III  
President of Council

RLP/