

Minutes Approved

10/4/2021  
as circulated

September 21, 2020  
Regular Council Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on Tuesday, September 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.

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

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

ABSENT:

OTHERS PRESENT:

Mayor Whitfield, SSD, Feuerstein, Law Dir. Deery, Finance Dir. Pileski, Engineer Schneider, ASSD Brubaker, ASSD Calvert, Chief Whitely, Clerk Lotko

**3. PUBLIC HEARINGS:** None

**4. APPROVAL OF MINUTES:** None

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

Mayor Whitfield: A couple of highlights that what were pointed out from the busy weekend of community groups that included Lorain County Health & Dentistry Covid testing. Love Elyrians gave away one hundred free meals at a new restaurant South Side Eats, The Urban League hosted a Census event at South Park, Goodwill Technology drive. If there are any Seniors looking for computer classes or anyone looking for computer training and a device, should visit the website: [elyriacare.com](http://elyriacare.com). Good Knights of Lorain County, assembled and delivered one hundred beds to families of Wilkes Villa. Mayor posed the question to "Parks People", what do we want? We all want the parks full. How do we go about getting there, is up to him and his team. They are figuring it out. It hasn't been easy, but they have met the challenge.

Safety Service Director Feuerstein: Expressed communications were had with the Ice Hockey Club, wanted to update council that the rink will be up and running for high schools, as well as planing for a open skate. Also met with the Parks employees to ensure everyone's safety and get their feedback. One additional walk through is planned to confirm safety and a benchmark for the other facilities. Also, as the Mayor and President Stewart said to get back to some sort of normalcy. President Stewart addressed the Parks board meeting that was held regarding contracts for leasing the buildings. The issue will need to reviewed by the Law Director's office, the administration and the Parks Board for groups who want to use the facilities. Want to ensure that we are all on the same page.

Finance Director Pileski: No Report

Law Director Deery: No Report

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

Chief Whitely: The past week Elyria Police Officers were awarded for types of calls they handle. The article was in the Chronicle Telegram. In addition, wanted to express appreciation for the work the officers do every day.

Assistant Dir. Calvert: Provided an update on the status of the Cares Act small business grant program to date, the Elyria Economic Development Committee has approved thirteen applications, deferred four for further information and in six in process that currently that will be reviewed. In total there is \$696.00 in request for funding. Some of the expenses will not be eligible. How much is fundable will be determined. Details of the grant agreement and required documentation are still being reviewed. No awardees have been notified.

Assistant Dir Brubaker: Provided an update on the ice rink protocols. A meeting was held with Mr. Horwedel and several of the employees of the Parks and Rec department, along with Mr. Schneider on how we will provide access to people coming in and out of the facilities. Particularly what the rules and regulations will be with the open skate. We will have to reduce the number of Friday night participants. The number of participants will be confirmed by the administration and Lorain County Public Health Department. The Friday open skate target date for opening is November and additional program offerings will expand from there. Discussion was held with Mr. Farrell and the mayor regarding money available in the vehicle purchase allocation. Details will be submitted by Mr. Farrell indicating te changes to some vehicles. Question posed from Mrs. Mitchell, " When we allow these groups to use the facilities, will a staff member be on site during the entire time they're there at the ice rink? ASSD Brubaker responded, yes, staff will be present.

Engineer Schneider: Presented a few project updates ( attached)

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

1. The matter of purchase of tasers for EPD.

REFERRED TO: Utilities

2. The matter of renaming the 10 block of Cedar street to Horton Way.

REFERRED TO: Utilities

ITEMS 3 THROUGH 5 ----- RECEIVED, PLACE ON FILE, COPIES TO ALL COUNCIL

3. Income tax collections received in August 2020 and the month end cash and investment balances for August 2020 as submitted by Assistant Finance Director Farrell.

4. Notice to legislative Authorities regarding the renewal of all liquor permits in the city, they will all expire on December 1, 2020.

5. Receipts collected for the months of May through July 2020 s submitted by Clerk of Courts Rothgery.



**7. PETITIONS--COUNCIL MEMBERS:**

Mark Jessie: (attached)

Donna Mitchell: Stated that it is important to know that Community block grant money is coming up. The Parks and Recreation Dept. always has money for their funded for their senior and youth programs. If nobody is in that role that is aware of the funding opportunities that are available, what they need and should be doing. Then we're missing out on federal tax dollars that we should be using to help our parks. So that is another reason we need a Parks Director, because that money is available, however without proper staff, we can't apply for it.

Judy Keys: Expressed the same sentiments of Councilman Jessie and Councilwoman Mitchell. She stated that our safety service directors are currently being asked to take on another role in overseeing and managing our Parks & Rec. Program. Mrs. Key expressed that there are plenty of issues in her ward alone to keep the safety service forces busy full time. She stated what an amazing job they do, however she believes that it is asking a lot to ask the Parks department to oversee programs. She along with her colleagues and constituents is committed to bringing back Parks Director Carrie Reardon to oversee our Parks & Rec.

Mr. Tollett: Addressed his remarks directly to the Mayor. He stated that his family began working for the Parks department the year of the flood of 1969. His father hired former parks director, Frank Gustoff, his sisters worked for the park and he has a family history with the parks, himself included. He provides an interesting observance of him showing up for the rally for the hockey team, they had a complete action plan for covid and were way ahead of the game. Mr. Tollett expressed that his concern is all of the leagues, all of the senior programs, all of the youth programming need to have that same type of action incorporated. To have an action plan established in an appropriate way, requires a director that is specific to that function. Mr. Tollett asked Mayor Whitfield to please consider hiring back Mrs. Reardon.

Mr. Oswald: Expressed concerns with the water (flooding) issue. He stated that he is the fourth ward councilman and he is the person that has been in that area watching these residents cry trying to pump water out of their basements. Mr. Oswald provided the example of how bad the flooding is, that during his campaigning, he could not get to some of the houses, because the water was overflowing in the sidewalks just from regular rain. He confirmed that the residents have lived with the situation like this for quite some time. Every year promises have been made to address the flooding, Mr. Oswald suggested to council that they pass something. People are trying to stay afloat and spending money on this year after year. They can't get insurance and the situation is impacting too many people.

**8. PETITIONS--LOBBY:**

1. Larry Klipstein 959 Oakwood Dr. 440-787-3983/ Parks Director
2. Frank Gustoff 331 Augusta Dr. 440-396-4543/ Parks Director
3. Lisa Bowman 40540 Biggs Rd. Lagrange, OH 44050, 440-355-9420/ Parks Director
4. Marty Martinez 358 Beebe Ave. 440-365-9017/ Parks Director

**8. PETITIONS--LOBBY: CONTINUED**

5. Samantha Behnke 211 Fullerton Rd. 440-506-5976/ Flooding
6. April West 996 Reeve Rd. 440-258-4651/ Flooding
7. Karen Sims 203 Fullerton Rd. 440-366-5989/ Flooding
8. Terry Hales 991 Valley Blvd. 440-366-5140/ Flooding
9. Nancy Captain 205 Fullerton Rd. 440-366-8882/ Flooding
10. Cynthia Husted 205 Dowd Rd. 440-897-3992/ Flooding

**9. REPORTS OF STANDING AND SPECIAL COMMITTEES:****10. RESOLUTIONS – FIRST READING:**

Sponsored by:	<u>RESOLUTION NO. 2020-22</u>
<u>Finance:</u>	A RESOLUTION APPROVING A LIST SUBMITTED BY THE SAFETY
V. Stewart, III	SERVICE DIRECTOR FOR THE COLLECTION OF DELINQUENT
M. Jessie	INACTIVE UTILITY ACCOUNTS AND DIRECTING THE CLERK OF
J. Baird	COUNCIL TO CERTIFY SAID ACCOUNTS TO THE LORAIN COUNTY
P. Tollett	AUDITOR.
B. Davis	

Tollett moved, Davis seconded to pass this resolution 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

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



**13. ORDINANCES – FIRST READING:**

Sponsored by: ORDINANCE NO. 2020-117  
Finance: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO  
V. Stewart, III TRANSFER FUNDS TO THE SPECIFIED ACCOUNT.  
M. Jessie  
J. Baird  
P. Tollett  
B. Davis

Tollett moved, Davis seconded to pass this ordinance 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. 2020-118  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN  
V. Stewart, III APPLICATION FOR AND ACCEPT, IF OFFERED, THE DRINKING  
M. Jessie WATER ASSISTANCE FUND PROGRAM FROM THE OHIO EPA FOR  
J. Baird THE YEAR 2021, AND DECLARING AN EMERGENCY  
P. Tollett  
B. Davis

Tollett moved, Davis seconded to pass this ordinance 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

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

Sponsored by: ORDINANCE NO. 2020-119  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
V. Stewart, III CONTRACT WITH AUDIO VISUAL INNOVATIONS, INC. FOR AUDIO  
M. Jessie AND VIDEO RECORDING EQUIPMENT, SOFTWARE LICENSING AND  
J. Baird SUPPORT FOR THE ELYRIA MUNICIPAL COURT, AND DECLARING AN  
P. Tollett EMERGENCY.  
B. Davis

Tollett moved, Davis seconded to pass this ordinance 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

Sponsored by: ORDINANCE NO. 2020-120  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
V. Stewart, III CONTRACT WITH INTELLIGENT VIDEO SOLUTIONS FOR VIDEO  
M. Jessie RECORDING EQUIPMENT, SOFTWARE LICENSING AND SUPPORT  
J. Baird FOR THE ELYRIA MUNICIPAL COURT, AND DECLARING AN  
P. Tollett EMERGENCY.  
B. Davis

Tollett moved, Davis seconded to pass this ordinance 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



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

Sponsored by: ORDINANCE NO. 2020-121  
Finance: AN ORDINANCE AMENDING ORDINANCE NO. 2020-  
V. Stewart, III 38, KNOWN AS THE '2020 PERMANENT  
M. Jessie APPROPRIATIONS ORDINANCE', TO CHANGE FUNDS  
J. Baird IN VARIOUS ACCOUNTS.  
P. Tollett  
B. Davis

Tollett moved, Davis seconded to pass this ordinance 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. 2020-122  
Finance: AN ORDINANCE AMENDING ORDINANCE 2016-6,  
V. Stewart, III KNOWN AS THE SALARY ORDINANCE, TO INCREASE  
M. Jessie THE WAGES OF LOCAL#277, OHIO COUNCIL 8, OF THE  
J. Baird AMERICAN FEDERATION OF STATE, COUNTY, AND  
P. Tollett MUNICIPAL EMPLOYEES, (A.F.S.C.M.E.), AND  
B. Davis DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this ordinance 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

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

Sponsored by: ORDINANCE NO. 2020-123  
Finance: AN ORDINANCE RATIFYING AND AUTHORIZING THE  
V. Stewart, III MAYOR TO SIGN AN AGREEMENT BY AND BETWEEN  
M. Jessie THE CITY OF ELYRIA AND LOCAL #277, OHIO  
J. Baird COUNCIL 8, OF THE AMERICAN FEDERATION OF  
P. Tollett STATE, COUNTY, AND MUNICIPAL EMPLOYEES,  
B. Davis A.F.S.C.M.E.), AND DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this ordinance under suspension of rule 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. 2020-124  
Finance: A ORDINANCE AUTHORIZING THE MAYOR TO  
V. Stewart, III ENTER INTO INSURANCE CONTRACTS, WITH  
M. Jessie TRAVELERS PROPERTY CASUALTY CO. OF  
J. Baird AMERICA, TRAVELERS INDEMNITY COMPANY OF  
P. Tollett AMERICA, AND CHARTER OAK FIRE INSURANCE  
B. Davis COMPANY, THROUGH ARTHUR J. GALLAGHER RISK  
MANAGEMENT SERVICES, INC., FOR THE CITY OF  
ELYRIA'S GENERAL LIABILITY, PROPERTY, AUTO  
LIABILITY, LAW ENFORCEMENT LIABILITY PUBLIC  
OFFICIALS MANAGEMENT LIABILITY,  
EMPLOYMENT PRACTICES LIABILITY, AND  
UMBRELLA/EXCESS LIABILITY INSURANCE, AND  
DECLARING AN EMERGENCY, AND AND  
DECLARING AN EMERGENCY..

Tollett moved, Davis seconded to pass this ordinance under suspension of rule 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



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

Sponsored by: ORDINANCE NO. 2020-125  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
V. Stewart, III INTO AN INSURANCE CONTRACT XL INSURANCE OF  
M. Jessie AMERICA, INC., THROUGH ARTHUR J. GALLAGHER  
J. Baird RISK MANAGEMENT SERVICES, INC., FOR THE CITY OF  
P. Tollett ELYRIA'S EQUIPMENT BREAKDOWN INSURANCE,  
B. Davis AND DECLARING AN EMERGENCY..

Tollett moved; Davis seconded to pass this ordinance 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

Sponsored by: ORDINANCE NO. 2020-126  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER  
V. Stewart, III INTO AN INSURANCE CONTRACT WITH BCS INSURANCE  
M. Jessie COMPANY, THROUGH ARTHUR J. GALLAGHER RISK  
J. Baird MANAGEMENT SERVICES, INC., FOR THE CITY OF  
P. Tollett ELYRIA'S CYBER LIABILITY INSURANCE AND  
B. Davis DECLARING AN EMERGENCY.

Tollett moved; Davis seconded to pass this ordinance 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

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

Sponsored by: ORDINANCE NO. 2020-127  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO  
 V. Stewart, III ENTER INTO AN INSURANCE CONTRACT WITH  
 M. Jessie TRAVELERS CASUALTY & SURETY COMPANY OF  
 J. Baird AMERICA , THROUGH ARTHUR J. GALLAGHER RISK  
 P. Tollett MANAGEMENT SERVICES, INC., FOR THE CITY OF  
 B. Davis ELYRIA’S CRIME INSURANCE, AND DECLARING AN  
 EMERGENCY. AN ORDINANCE AUTHORIZING THE  
 MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A  
 CONTRACT FOR THE CONSTRUCTION OF A VEHICLE  
 STORAGE GARAGE AT THE WWCP PLANT.

Tollett moved, Davis seconded to pass this ordinance 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

Sponsored by: ORDINANCE NO. 2020-128  
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN  
 V. Stewart, III INSURANCE CONTRACT WITH NAVIGATOR’S SPECIALTY  
 M. Jessie INSURANCE COMPANY, THROUGH ARTHUR J. GALLAGHER RISK  
 J. Baird MANAGEMENT SERVICES, INC., FOR THE CITY OF ELYRIA’S  
 P. Tollett CONTRACTOR’S POLLUTION LIABILITY INSURANCE, AND  
 B. Davis DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this ordinance 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



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

Sponsored by: ORDINANCE NO. 2020-129  
Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO  
D. Mitchell AN AGREEMENT TO ACCEPT THE TRANSFER OF OWNERSHIP  
D. Simmons OF A WATERMAIN TO THE CITY OF ELYRIA AND TO FUND  
J. Cerra REQUESTED UPGRADES.  
J. Keys

Mitchell moved, Cerra 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. 2020-130  
Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE  
D. Mitchell FOR BIDS AND ENTER INTO A CONTRACT FOR THE LAKE  
D. Simmons AVENUE SANITARY SEWER EXTENSION PROJECT AND  
J. Cerra DECLARING A EMERGENCY.  
J. Keys

Mitchell moved, Cerra 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

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

Sponsored by: ORDINANCE NO. 2020-131

Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS  
D. Mitchell AND ENTER INTO A CONTRACT FOR THE EAST PARK PLAYGROUND  
D. Simmons EQUIPMENT PROJECT.  
J. Cerra  
J. Keys

Mitchell moved, Cerra 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

Sponsored by: ORDINANCE NO. 2020-132

Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT A APPLICATION  
D. Mitchell FOR, AND ACCEPT, IF OFFERED, THE 2020 COMMUNITY INCENTIVE  
D. Simmons GRANT SPONSORED BY THE LORAIN COUNTY SOLID WASTE  
J. Cerra MANAGEMENT DISTRICT, AND DECLARING AN EMERGENCY.  
J. Keys

Mitchell moved, Cerra 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

Sponsored by: ORDINANCE NO. 2020-133

Utilities: AN ORDINANCE RE-NUMBERING AND CODIFYING SECTION 937.417,  
D. Mitchell POLICY FOR REPLACEMENT COSTS OF SERVICE LINES IN AREAS WHERE  
D. Simmons TE CITY IS REPLACING WATER MAINS AND CERTIFYING COSTS TO THE  
J. Cerra COUNTY AUDITOR, CODIFIED ORDINANCES OF THE CITY OF ELYRIA..  
J. Keys

Mitchell moved, Cerra 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

**14. ORDINANCES-SECOND READING:**

Sponsored by: ORDINANCE NO. 2020-134  
Utilities: AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT  
D. Mitchell PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF  
D. Simmons THE CITY OF ELYRIA, OHIO, TO K. HOVNANIAN HOMES FOR A  
J. Cerra RESIDENTIAL PLANNED UNIT DEVELOPMENT AT REAL  
J. Keys PROPERTY LOCATED ON SOUTHWOOD DRIVE AND INDIAN  
HOLLOW ROAD, ELYRIA, OHIO.

**SECOND READING PUBLIC HEARING SCHEDULED FOR MONDAY, OCTOBER 5, 2020 7:00 P.M.**

**15. ORDINANCES-THIRD READING: None****16. COMMITTEE CALLS:**

COMMUNITY DEVELOPMENT 9/28/2020 6:00 P.M.

All Referred Items (Streamed Live) w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE 10/5/2020 6:30P.M.

All Referred Items (Streamed Live/ Zoom) w/Law Director, SSD, Finance Director, Engineer

UTILITIES, SAFETY & ENVIRONMENT 9/30/2020 6:00 P.M. All Referred Items (Streamed Live) w/Mayor, Law Director, SSD, Engineer

STRATEGIC PLANNING 10/5/2020 Immediately following Council All Referred Items Council Chambers W/ Mayor, Safety Service Director, Finance Dir., Law Director, Engineer

**17. MISCELLANEOUS & UNFINISHED BUSINESS:**

1. The matter of amending Ordinance no 2030-77 at the request of Finance Director Pileski:

Adding section 1


District #70	General Fund	1.40 Mill to 1.0 Mill
	Sinking Fund & Bond	2.20 Mill to 2.60 Mill

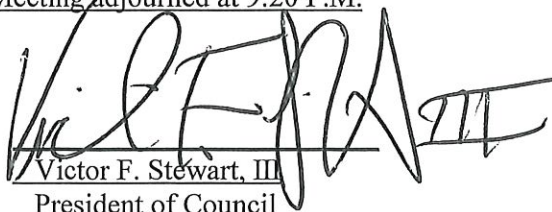
Executive session 8:35 p.m. To discuss real estate matters

**18. ADJOURNMENT:**

Mr. Baird moved to adjourn, seconded by Mrs. Davis. Meeting adjourned at 9:20 P.M.

MOTION CARRIED

  
Michael J. Lotko, III  
Clerk of Council

  
Victor F. Stewart, III  
President of Council





Engr. John Schneider

9/21/2020

Ely Park Fountain

- Bricks are 65% complete
- 2 weeks of work to complete (weather dependent)
- City crew still needs to finalize lighting

Chestnut Commons Connector Drive

- Concrete work has reached E. Broad St. (90 to 95% complete)
- Water main is complete
- 90% Storm Water complete
- Temporary Traffic Light to be installed while we wait for permanent poles to be fabricated
- Asphalt Work still needs to be completed at Walmart and E. Broad

East Ave & St Marys Way Improvements (Water and Sewer Improvement)

- Project 60% complete
- Water and Sewer mainlines complete, working on water services

Street Resurfacing phase 1

- Started milling asphalt this morning

Street Resurfacing phase 2

- Asphalt work complete
- Contractor working on sidewalk and adjustments of casts to grade

W. River WM & S Improvement Project

- Started this morning
- Project includes replacing the water main on W. River from Lake Ave to SR-57
- Sewer replacement from Lowell to Bath and resurfacing from Lake to Furnace
- Portions of the roadway will be closed to traffic with the contractor maintaining access to local traffic.

Abbe Rd (S)

- Started this week

East Side Relief Sewer

- Contractor has complete the large diameter sewer work.
- Currently working on restoring the area will take approx. a month to complete.

All estimated completion times are dependent on weather conditions

#### Ely Park Fountain

- Bricks are 65% complete
- 2 weeks of work to complete (weather dependent)
- City crew still needs to finalize lighting

#### Chestnut Commons Connector Drive

- Concrete work has reached E. Broad St. (90 to 95% complete)
- Water main is complete
- 90% Storm Water complete
- Temporary Traffic Light to be installed while we wait for permanent poles to be fabricated
- Asphalt Work still needs to be completed at Walmart and E. Broad

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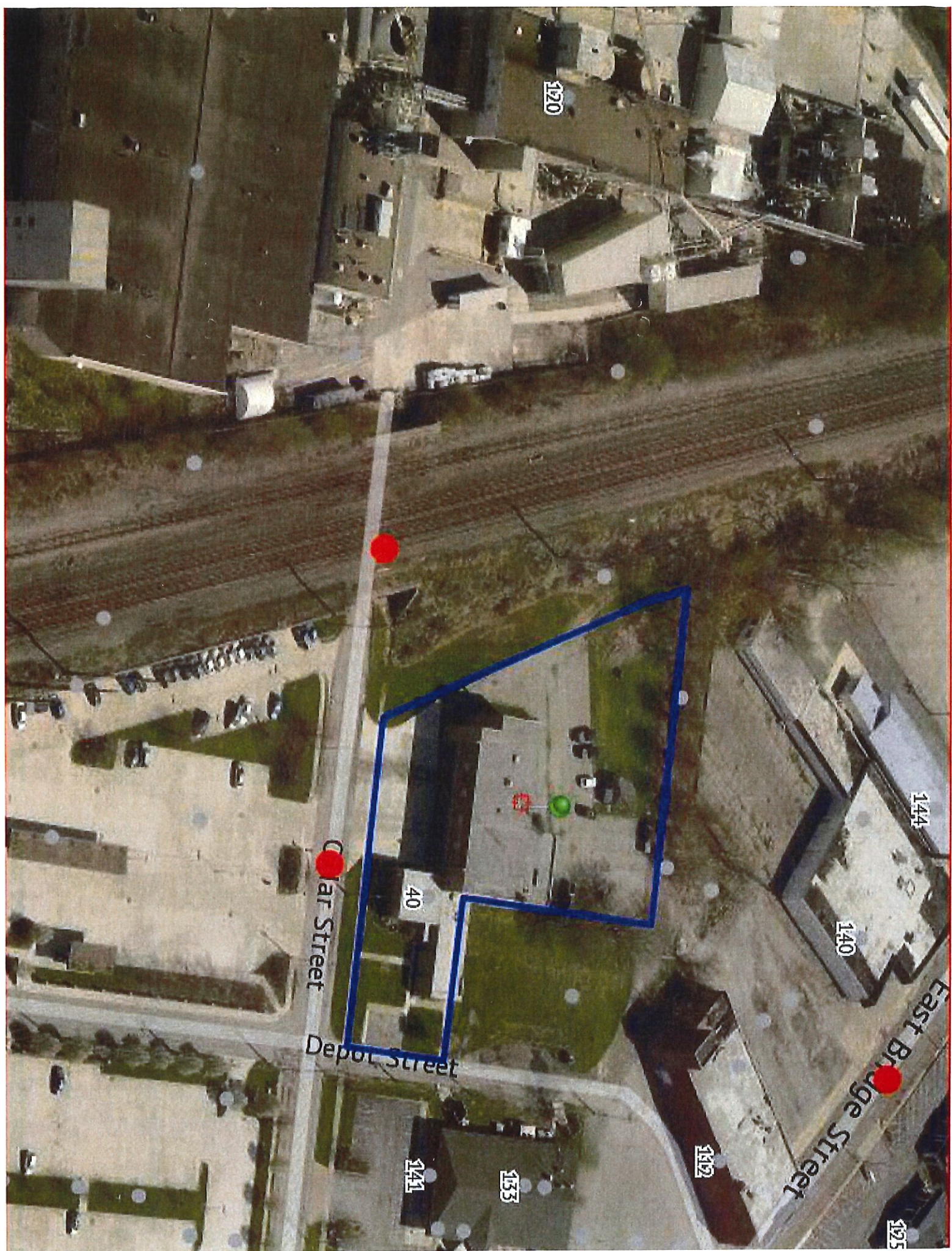
#### Abbe Rd (S)

- Started this week

#### East Side Relief Sewer

- Contractor has complete the large diameter sewer work.
- Currently working on restoring the area will take approx. a month to complete.









MARK JESSIE

Four years ago we, Elyria's City Council, asked you to take a leap of faith and put your trust in our judgement by passing Issue 6. It was a big ask—the city had not passed a new tax levy since 1992. We spent months analyzing the needs of the city and came up with a truly unique income tax levy—One that addressed multiple areas: primarily city streets, police and parks. It was unanimously endorsed by all members of council, and each of us invested many hours in a grass roots campaign which was overwhelmingly supported by our voters. As a result of our collective work and passion, we have maintained a strong sense of ownership which carries on to this day. This is extremely important to know—Council controls how your tax dollars are allocated, and we have four years of investments which back up the promises we made to the citizens of Elyria. As of June 30<sup>th</sup> this year:

- Over \$7 million in residential street resurfacing and repair—almost 100 streets

- Over \$5 million to the Elyria Police Department—replacing most of our aging fleet of vehicles

- Over \$3 million to the Elyria Parks and Recreation Department—improvements to each of our city parks

- Over \$5 million in departmental capital needs—an area not as obvious, but one that allows us to maintain the city services we sometimes take for granted—such as reliable and efficient equipment for plowing snow, collecting leaves, and essential building maintenance and repairs.

For more specific information please visit our website, [renewissue6.com](http://renewissue6.com) or the Elyrians First Facebook page.

We find ourselves in a time of extreme mistrust of and anger toward our political leaders. However, I believe most of us desperately want to put our trust in our leaders. The other unique thing about Issue 6 is that all eleven of us on Council have friends, neighbors and colleagues who DO trust us because of years of knowing each other and working together. Collectively that is a large contingent of the city. We are asking you to trust us again by supporting the Issue 6 renewal on November 3<sup>rd</sup>. As a renewal, this will NOT raise taxes and those on pensions, social security, disability and unemployment will not pay a penny. We commit to continuing the resurfacing of residential streets, keeping our citizens and our police officers safe through the purchase of much-needed body cameras and even more improvements to our city parks. Yes, our city parks. There has been a great deal of confusion, frustration, and outright anger over the status of the parks and its programming. I think we all understood the need to put programs and facilities on hold in March. However, as our neighboring cities have begun to bring programming back under responsible safety protocols, Elyria is far behind. Announcements have been made about the Elyria Hockey Club at North Rec and Horizon Academy at South. The soccer program has been practicing at West. A great start but there are two big problem issues which have not been addressed—the responsible opening of our facilities to you, the taxpayers and a qualified and dedicated parks director to oversee the running of the entire program. We on Council unanimously support both of these issues and see it as essential to happen immediately. As for returning our laid-off director, Carrie Reardon, here are the facts: Her expertise and experience is unquestioned by Council, her parks staff, the majority of city employees, the Parks Board and you. There are Covid funds through the CARES Act to cover her salary. How can opening our facilities to outside groups and the public be managed without her? The mayor seems to have a personal vendetta against her. There is no other explanation. Because she is currently laid off, if not brought back, the city, by law, cannot hire an outside director until next summer. Under this condition it is impossible to manage the programs. We are concerned about public backlash and the possible negative impact on the Issue 6 renewal. To be very clear, Issue 6 is sponsored by Council and not the mayor. Council has many powers of oversight, but we do not have authority on whom to hire. If you want Elyria to follow the lead of our neighboring cities, make your opinion known by calling or writing the mayor or write a letter to editor of the Chronicle. We have been trying to make this happen for several months, but we need your help. In conclusion, please don't halt the continued investment of Elyria City Council's Issue 6 renewal.



*Judy Keys*

Currently our Safety Service directors are being asked to take on yet another role in overseeing and managing our parks and rec programming. I for one can say that there are enough issues in my Ward alone to keep one of them busy full time. How in the world are they going to add parks and rec to there already overwhelmingly list of duties.

The one thing I learned in my 30+ years of being a small business owner is that you have to constantly adjust your sails with the changing winds. In other words be able to look at changing circumstances and proceed accordingly. There's no place in leadership for petty differences. In my experience the sign of a great leader is someone who can reflect on a situation, change their thinking and take action. If there is doubt , set aside your pride, and find the answers among those with greater experience. I along with my colleagues and many many constituents am completely committed to Bringing back Carrie Rearden to oversee our parks and rec. Thank you very much. Let's get this done now!!!!

Four years ago we, Elyria's City Council, asked you to take a leap of faith and put your trust in our judgement by passing Issue 6. It was a big ask—the city had not passed a new tax levy since 1992. We spent months analyzing the needs of the city and came up with a truly unique income tax levy---One that addressed multiple areas: primarily city streets, police and parks. It was unanimously endorsed by all members of council, and each of us invested many hours in a grass roots campaign which was overwhelmingly supported by our voters. As a result of our collective work and passion, we have maintained a strong sense of ownership which carries on to this day. This is extremely important to know---Council controls how your tax dollars are allocated, and we have four years of investments which back up the promises we made to the citizens of Elyria. As of June 30<sup>th</sup> this year:

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In the coming weeks you will be able to get more information on our website, [renewissue6.com](http://renewissue6.com) or the Elyrians First Facebook page.



Nationally, we find ourselves in a time of extreme mistrust of and anger toward our political leaders. However, I believe most of us desperately want to put trust in our leaders. The other unique thing about Issue 6 is that all eleven of us on Council have friends, neighbors and colleagues who DO trust us because of years of knowing each other and working together. Collectively that is a large contingent of the city. We are asking you to trust us again by supporting the Issue 6 renewal on November 3<sup>rd</sup>. As a renewal, this will NOT raise taxes and those on pensions, social security, disability and unemployment will not pay a penny. We commit to continuing the resurfacing of residential streets, keeping our citizens and our police officers safe through the purchase of much-needed body cameras and even more improvements to our city parks.

Yes, our city parks. There has been a great deal of confusion, frustration, and outright anger over the status of the parks and its programming. We all understood the need to put programs and facilities on hold in March. However, as our neighboring cities have begun to bring programming back under responsible safety protocols, Elyria is far behind. Announcements have been made about the Elyria Hockey Club at North Rec and Horizon Academy at South. The soccer program has been practicing at West. A great start for these well-deserving organizations, but there are two enormous problem issues which have not been addressed—the responsible opening of our facilities to you, the taxpayers and a qualified and dedicated parks director to oversee the running of the entire program.

We on Council unanimously support both of these issues and see it as essential to happen immediately. As for returning our laid-off director, Carrie Reardon, here are the facts:



1. Her expertise and qualifications are exemplary and recognized by Council, her parks staff, city employees, the Parks Board and, based on hundreds of conversations we have collectively had with you, the residents of Elyria.
2. There are Covid funds through the CARES Act to cover her salary. How can opening our facilities to outside groups and the public be managed without her?
3. The city cannot legally hire someone else from the outside until next May.

It is a total no-brainer to bring her back. So why has this not happened? I and others believe the mayor has allowed his personal opinions hold our parks hostage. There is no other explanation. We believe that under these conditions it is impossible to manage our programs.

Lastly, we are concerned about public backlash and the possible negative impact on the Issue 6 renewal. To be very clear, Issue 6 is sponsored by City Council. Council has many powers of oversight, but we do not have authority on whom to hire. We have been trying to make this happen for several months but now we need YOUR help. I truly believe the only successful strategy is a strong public outcry to the administration demanding the re-instatement of parks director Carrie Reardon.

Starting tonight make your opinion known loud and strong by calling or writing the mayor or writing a letter to the editor of the Chronicle. Post on social media. Spread the word to your family, friends, colleagues and neighbors. I'm afraid without you, our parks and programs will continue to suffer. Thank you.

Mark Jessie, Elyria City Council Ward 3

Carol Billman

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**From:** Donna Mitchell  
**Sent:** Tuesday, September 15, 2020 1:32 PM  
**To:** Carol Billman; Michael J. Lotko  
**Subject:** Fw: Sanitation/Parks

Hi,

An email from Larry Klipstein that he wants read at the council meeting on Monday, if we do not allow the public to attend.

Thanks,

Donna Mitchell  
6th Ward Council  
City of Elyria

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**From:** Larry Klipstein <bigbear44035@gmail.com>  
**Sent:** Tuesday, September 15, 2020 12:27 PM  
**To:** Donna Mitchell  
**Subject:** Sanitation/Parks

440-787-3983

Hello:

I do hope you explore all avenues with this. Elyria is one of 2 cities in Lorain County that has not privatized this and also pay the highest in the county now. We will not tolerate any increase when other alternatives are available and must be researched and discussed. Putting more burden of cost on the citizens is not the answer yet always seems to be the first choice. Without looking into the cost factors any increase will be met with decreased funding in failure of all current city levies, including issue 6. Please do not postpone this till after the elections and raise after because issues all fail with a secretive government. Also once again, we need council meetings open, as almost every other city has done, and stop hiding behind Covid-19. They can be safe so why can't we? It seems we are not wanted at meetings. "OUT OF SIGHT, OUT OF MIND" the saying goes. We can't discuss and complain when we are silenced by closures. I have discussed this with Donna Mitchell and other council and staff members.

Elyria needs to re-hire Carrie Reardon. The parks system under her leadership has improved significantly over the years. We must get the ice rink and ALL park facilities and rec centers open immediately for our citizens. We have PAID taxes over the years for these and it is a sad day that this administration continues to find a way to keep things closed without thought of the community. Safty is a concern, yet other cities have found a way, but ours does not. I encourage council and the city to act promptly on her return to the city.

Larry Klipstein  
959 Oakwood Drive  
Elyria Ohio 44035



(3)

To: Members of Elyria City Council  
From: Frank Gustoff, 331 Augusta Drive  
Re: Status of Parks and Recreation Department  
Date: September 21, 2020 440-396-4543

I was honored to be employed by the City of Elyria Parks and Recreation Department for 28 years, serving as Director for my last 18 years before retiring in 2015.

I was proud and humbled to lead the Department. Our staff worked diligently to make many parks improvements, build new recreational facilities, expand youth and adult programs and create many new special events for the citizens of Elyria to enjoy. The Department received several awards from the Ohio Parks and Recreation Association and we continually partnered with many civic clubs, non-profits and organizations throughout the City and County.

I know, as we all do, that we are all going through a difficult time with the COVID pandemic and changes had to be made. Hopefully, there is a light at the end of the tunnel and we will soon be back to normal.

However, I am very concerned about the current status of our Parks and Recreation Department. I am extremely disappointed in the way our current administration is handling the management of the Department. The Department **MUST HAVE** experienced leadership and guidance for the remainder of 2020 and beyond.

I have never voted against a tax levy within our City. If this administration does not heed the advice given to them by of **ALL** our City Council members, as well as, our Parks and Recreation Board, I will campaign against and vote **NO** on issue 6.

331 Augusta Dr.  
Elyria, Oh. 44035



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**Carol Billman**

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**From:** lisabowman@windstream.net  
**Sent:** Sunday, September 20, 2020 5:12 PM  
**To:** Carol Billman  
**Cc:** Michael J. Lotko  
**Subject:** Please Read at Council Meeting on September 21, 2020

I have worked for the Elyria Parks and Recreation department for 38 years. I retired as the Parks and Recreation Director in 2017. I want to praise the Elyria Parks and Recreation Board and the Elyria City Council for having the foresight to see that the Parks and Recreation Department needs a qualified director in Carrie Reardon to return to her position. Mr. Ted Pileski, Finance Director, stated at the Finance Meeting on 9/14 that there was funding available for her to return. To open facilities without proper staff training and leadership is negligent. With no recreation staff there will be no quality programming. Facilities were built by taxpayers for the citizens of Elyria not private groups exclusively. Mayor Whitfield, I implore you to listen to the members of Council and the Parks and Recreation Board who have been in community service for many years and rehire Carrie Reardon. The future of a department that has such a rich history in Elyria and the State of Ohio is teetering on the brink of expulsion. Do not let this be your legacy.

Lisa Bowman  
40540 Biggs Road  
Lagrange, Ohio 44050  
440-355-9420

**Marty Martinez**  
358 Beebe Ave  
440-365-9017  
City Parks Issue 6

I have been a resident of Elyria for 45 years. I love this city and the people. I wish I could be at today's meeting. My wife and I decided to stay quarentin. I have been involved with this city for many years. Since we have a new Mayor, staff and some new council people, I thought I would mention some of my involvement with the community.

1. Economic Development plan
2. Bike Advisory committee
3. Bicentennial committee
4. Election issues
5. Block watch

I hope the city continues to improve the parks. I believe the city should bring back the Park Manager to manage The Parks Master Plan and improvements. By bringing back the Park Manager it would be a good selling point for issue 6 since the parks are closed to the community.

Thank you,

Marty Martinez  
Elyria

## **Carol Billman**

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**From:** Sam Behnke <sammyb0820@gmail.com>  
**Sent:** Tuesday, September 22, 2020 1:02 PM  
**To:** Carol Billman  
**Subject:** Council meeting Sept 21 flooding

To whom it may concern,

Good afternoon. My name is Samantha Behnke and I live at 211 Fullerton Rd. I attended the city of elyria council meeting on Monday, September 21st. I discussed the flooding in our neighborhood off of Golf Rd and Hilliard. I spoke of the extreme amount of water that collects in the roads, sidewalks, and yards with every rain fall causing my basement and many others in the neighborhood to flood. I also spoke of the repairs that we looked into to reinsure that our basement would not flood again. We were informed that what we are responsible for does not need fixing but the city's pipes are collapsed in several areas and are in much need of repair. I hope this issue gets the attention it deserves. It seems this problem is not just going to go away but possibly get worse every year. All of us in the neighborhood take pride and care of our homes and are making sure we do what is necessary to help with this problem. I hope the city shows they value our home's as much as we do.

Sincerely,  
Samantha Behnke



## Carol Billman

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**From:** Karen Sims <wdkmsims@gmail.com>  
**Sent:** Tuesday, September 22, 2020 4:53 PM  
**To:** Carol Billman  
**Subject:** Flooding on Fullerton Road as reported at Council Meeting 9/21/2020

As requested, this is Karen Sims recapping the concerns voiced at the subject meeting.

I am concerned about the flooding in my neighborhood as it continues to worsen. I have lived at 203 Fullerton Road, Elyria, Ohio, for 36 years and have done everything within my power to correct the flooding. My crawl space has been flooding over the last several years which is of major concern as I have a furnace there. I spent well over \$10,000 a couple of years ago to replace broken drain tile around my house, including under my cement driveway, as well as a new sump pump with an additional back-up battery-operated sump pump, then had to repair the damage done to the driveway. Even after all of this, the flooding of the crawl space continues. I have done all I can do to ensure the safety of my home and maintain the property value of my home for myself and the city as well. I now expect the City of Elyria to take the steps necessary to remedy this neighborhood situation.

Additionally, my neighbor, Nancy Captain (205 Fullerton Road, Elyria, Ohio), asked if I could help her by adding her stated remarks to my email. She, too, has a house in peril due to flooding. During the most recent period of rain she had 10 or 11 inches of water in her basement. On 9/21/2020 she had to have a furnace repairman come to her home to fix her furnace and was told the damage was due to the flooding.

Please help us! We are relying on City Council to vote to take action on this! The ball is in your court!







































































