Minutes Approved Wirculatel August 1, 2022 Lotenble Regular Council Meeting 6/3022 Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on Monday August 1, 2022 at 7:09 P.M. by President Stewart. President Stewart opened the meeting with a moment of reflective silence. Councilwoman Davis led the Pledge of Allegiance.

The recording of this meeting is available on City of Elyria Channel on YouTube. (Zoom meeting)

2. ROLL CALL--COUNCIL MEMBERS:

PRESENT: Callahan, Cerra, Davis, Lipian, Mitchell, Oswald, Schneider, Simmons, Stewart

ABSENT: Corbin, Tollett

Mr. Cerra moved to approve the absence of Mr. Corbin from the meeting, seconded by Mr.

Lipian.

PASSAGE:

AYE:

9

NAY:

0 ABSENT: 2

MOTION CARRIED

Mr. Cerra moved to approve the absence of Mr. Tollett from the meeting, seconded by Mrs.

Davis

PASSAGE:

AYE:

NAY: 0

ABSENT: 2

MOTION CARRIED

OTHERS PRESENT: Mayor Whitfield, SSD Brubaker, Law Director Deery, Asst. Law Director Breunig, Clerk Lotko, Finance Dir. Pileski, Police Chief Pelko, Fire Chief Pronesti, ASSD Calvert, ASSD Williams, BO Farkas, Superintendent Korzan

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES:

Mr. Cerra moved, seconded by Mrs. Davis that the Meeting Minutes of the July 5, 2022 meeting be approved as circulated.

PASSAGE:

AYE:

0

NAY:

ABSENT: 2

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Council President Stewart: None

Mayor Whitfield:

Mayor Whitfield acknowledged Second Baptist Church for hosting their Community Day event previously known as The Taste of the South. The event was well attended and many council members were in attendance. Appreciation was expressed to the Elyria Sunrise Rotary for hosting a pizza challenge. The winners announced were Uncle Al's, Marcos and Cozzeria Pizzeria Congratulations were extended to the pizza challenge winners. Final appreciation was expressed to The Elyria Farmer's Market, for hosting a kid's day at the farmer's market. Mayor Whitfield announced a bike ride with the Mayor scheduled for Wednesday August 3rd at 6:00pm, riding from city hall. Third Thursday is scheduled for August 18th from 5:00-9:00pm in Ely Square. August 20th, in partnership with Leaders of Today, a pocket park demonstration will be held.

Mayor Whitfield gave a shout out to sanitation department employee, David Dutton. A note was received from a resident who had fallen, Mr. Dutton, witnessed the fall, and assisted the gentleman to safety. Expression of appreciation is being extended to David Dutton. Mayor Whitfield introduced special guest, Jace. Jace presented to the administration an idea of honoring veterans.

Mrs. Mitchell inquired about the location and time of the pocket park. Mayor Whitfield shared that the location would be the corner of 15th Street and West Ave., previous location of a laundromat that has since been demolished. The event is scheduled from 11:00AM - 3:00PM. Ms. Davis gave a shout out to the Metro Parks for opening up a new playground at Elywood Park sponsored by The Friends of Cascade.

Safety Service Director Brubaker:

Safety Service Director Brubaker echoed Mayor Whitfield, he introduced Jace Walters and his father Michael Walters. Jace approached the administration to introduce a program to honor veterans in the city. Jace facilitated the leg work for the program. The program will launch August 2, 2022 with an application made available cityofelyria.org

Banners will be available to be posted in fifty-six locations down Middle Ave. On both sides of the street, by November 1st, 2022. A picture of the veteran being honored will show on both sides of the banner. The banners will come down in December, due to weather. In addition to being the brainchild of this program, Jace is also taking on the 50 yard program and will be cutting grass. A deadline for banners will be posted on the website. SSD Brubaker provided an update that a pre-demolition meeting has been held for Shane furniture building with the engineering department. The first phase will consist of a clean-out of the building, including asbestos removal. The next phase is likely to be scheduled after Labor Day.

Mr. Oswald expressed appreciation for whomever was responsible for cemetery changes with the parks and recreation department. He stated how well kept the Ridge Lawn cemetery has been recently, job well done. SSD Brubaker responded that the result is due to the budget and prioritizing part-time staff in that department. SSD Brubaker will pass on the message to Mr. Oliver who oversees the cemetery division.

ELYRIA CITY COUNCIL

August 1, 2022

5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Finance Director Pileski: No report

Law Director Deery:

Law Director Deery provided an update regarding the charter proposal that was placed on the agenda. The process is that the charter items will be taken to the Board of Elections for filing for issue numbers.

Police Chief Pelko:

Chief Pelko announced that Officer Eric Van Kirkoff retired on Friday July 29th, after twenty-seven years service. Chief Pelko expressed his appreciation for Patrolman Van Kirkoff's years of service to the residents and Elyria Police Department and extended well wishes.

Mayor Whitfield inquired about a reception. Chief Pelko confirmed that on Thursday, August 4th at 11:00AM a reception is scheduled. Cake will be served and recognition of years of service. All are welcome.

Fire Chief Pronesti: No Report

ASSD Calvert: No Report

ASSD Williams: No Report

BO Farkas: No Report

Superintendent Korzan:

Superintendent Korzan shared the retirement of William Linn Keller from the Waste Water Pollution Control Plant after fifteen years of service. - Exhibit "A"

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

*Matter is completed or partially completed

1. The matter of a request for a conditional use permit for CREAM Apothecaries Ohio located at 914 Cleveland Street.

REFERRED BY: Diane Strauss

REFERRED TO: Community Development/ Planning Commission

2. The matter of a request for a conditional use permit for Beacon Sales Acquisition at 1444 Lowell Street.

REFERRED BY: Rene Jimenez

REFERRED TO: Community Development/ Planning Commission

3. The matter of request for a conditional use permit for The Village Academy at 1712 Gulf Road.

ELYRIA CITY COUNCIL

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6. PRESIDENT'S REFERRALS AND REMONSTRANCES: CONTINUED

REFERRED BY: Rebekah Young

REFERRED TO: Community Development/ Planning Commission

4. The matter of the Community Development Block Grant (CDBG) Consolidated Annual

Action Plan Substantial Amendment. **REFERRED BY:** Mona Almobayyed

REFERRED TO: Community Development/ Finance

5. The matter of the PY 2023 community Development Block Grant Action Plan, Consolidated Plan Update.

REFERRED BY: CD Director Ashley Scott

REFERRED TO: Community Development/ Finance

6..* The matter of authorizing the Mayor to apply for and accept if offered a JAG grant in collaboration with the Lorain County Sheriff's office.

REFERRED BY: Police Chief Pelko

REFERRED TO: Finance

7. The matter of submitting applications to the Office of the Attorney General, State of Ohio, and accept, if offered, a 2022-2023 Victims of Crime Act Grant (VOCA).

REFERRED BY: Law Director Deery

REFERRED TO: Finance

8. The matter of approving a sidewalk program utilizing special assessments.

REFERRED BY: Engineer McKillips **REFERRED TO:** Finance/ Utilities

9. The matter of disposal of city property that is unfit for public use via gov deals

REFERRED BY: SSD Brubaker REFERRED TO: Finance/ Utilities

10. The matter of disposal of city property that is unfit for public use via gov deals

REFERRED BY: SSD Brubaker **REFERRED TO:** Finance/ Utilities

11. The matter of authorizing delinquent Stormwater Utility fees past due 180 days to be certified by the Lorain County Auditor for placement on the property tax bill.

REFERRED BY: Engineer McKillips **REFERRED TO:** Finance/ Utilities

REGULAR COUNCIL MEETING ELYRIA CITY COUNCIL August 1, 2022 6. PRESIDENT'S REFERRALS AND REMONSTRANCES: CONTINUED

12. The matter of authorizing the Mayor to go out for and accept bids related to stabilization of Oakwood School.

REFERRED BY: ASSD Williams **REFERRED TO:** Finance/ Utilities

13. The matter of levying the final assessment for the replacement of private sewer services.

REFERRED BY: Engineer McKillips **REFERRED TO:** Finance/ Utilities

14. The matter of authorizing the Administration to apply for and accept if offered, a grant through the U.S. Department of Transportation.

REFERRED BY: P&R Dir. Reardon **REFERRED TO:** Finance/ Utilities

15. The matter of allowing the Mayor to enter into a lease agreement with Jack Doheny Companies to lease a two 2022 Vactor 2115 combination sewer cleaning trucks for the WWPC Sewer Collection System.

REFERRED BY: Superintendent Korzan **REFERRED TO:** Finance/ Utilities

16-17 Received and Placed on file in the clerk's office

16. List of receipts collected by each division of the Clerk of Court's Office for the month of June 2022.

17. Denied Claim for Damage: James A. Jenkins- Pothole

7. PETITIONS - LOBBY:

Robin Kaufman- 2168 Lands End, Westlake, OH / Representing Blue Star Recycling Ms. Kaufman expressed that she owns the property on Williams St. and would like to request additional consideration regarding the property. Ms. Kaufman's great-grandfather started the recycle business one hundred thirty0nine years ago, she believes before there may have been zoning and prior to the construction of houses on Williams St. Her family has been good citizens for one hundred thirty-nine years, donating to many civic organizations, to include, the Elyria fountain, Rotary Club and Elyria High School. Ms. Kaufman shared the logistics of the location of the recycle business, as it sits next to train tracks and has industry on three of its four sides. She shared that she is uncertain that if it is not approved what would council have her to do with the property. She does not foresee a developer constructing new homes on the property. She expressed a new owner will provide greater value than an abandoned building.

7. PETITIONS - LOBBY: CONTINUED

Tiffani Reedy- 113 Williams St., Elyria/Re-zoning 131 Williams St.

Ms. Reedy expressed her appreciation to the Safety Service Department, Elyria Prevention Fire Bureau and Elyria Police Department, as well as Building Official Farkas. Ms. Reedy provided an apology to President Stewart and Councilwoman Mitchell for her sharp words in her letter addressed to the editor. Ms. Reedy provided council members with a sixty-nine page hazardous waste document t from the Environmental Protection Agency Notice of Violation for the Blue Star Property. Although the property was advertised as having a strong environmental study, the E.P.A. does not agree. Ms. Reedy expressed that she is in favor of a socially and environmentally responsible business in the place of the current business.

8. PETITIONS - COUNCIL MEMBERS: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES:

Sponsored by:
Community

Development

T. Callahan
S. Schneider
D. Mitchell

COMMITTEE REPORT NO. 2022-6
WE HAVE CONSIDERED THE MATTER OF A LIQUOR
LICENSE TRANSFER BY BASIL'S GRILL & TAVERN,
INC., TO BASIL'S BAR & TAVERN, LLC., AT 360 WEST
BRIDGE ST., ELYRIA AND THE CITY OF ELYRIA DOES
NOT REQUEST A HEARING.

K. Oswald

Callahan moved, Mitchell seconded that this committee report be passed on its first reading.

PASSAGE

AYE: 9 NAY: 0

ABSENT: 2

MOTION CARRIED

10. RESOLUTIONS – FIRST READING:

Sponsored by: RESOLUTION NO. 2022-18
Finance A RESOLUTION APPROVING A LIST SUBMITTED BY

P. Tollett THE SAFETY SERVICE DIRECTOR FOR THE

B. Davis COLLECTION OF DELINQUENT INACTIVE UTILITY
C. Schneider ACCOUNTS AND DIRECTING THE CLERK OF COUNCIL

J. Cerra TO CERTIFY SAID ACCOUNTS TO THE LORAIN

COUNTY AUDITOR.

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

ELYRIA CITY COUNCIL

August 1, 2022

10. RESOLUTIONS - FIRST READING: CONTINUED

SUSPENSION		PASSAGE		
AYE:	9	AYE:	9	
NAY:	0	NAY:	0	
ABSENT:	2	ABSENT:	2	

MOTION CARRIED MOTION CARRIED

Sponsored by: RESOLUTION NO. 2022-19

Finance: A RESOLUTION APPROVING A LIST SUBMITTED BY

P. Tollett THE SAFETY SERVICE DIRECTOR FOR THE
B. Davis COLLECTION OF LOT MOWING CHARGES AND
C. Schneider DIRECTING THE CLERK OF COUNCIL TO CERTIFY
J. Cerra SAID LIST TO THE LORAIN COUNTY AUDITOR.

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

SUSPENSION		PASSAC	PASSAGE		
AYE:	9	AYE:	9		
NAY:	0	NAY:	0		
ABSENT	`: 2	ABSENT	: 2		
MOTION	I CARRIED	MOTION	I CARRIE		

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS-THIRD READING: None

13. ORDINANCES – FIRST READING:

Sponsored by:	<u>ORDINANCE NO. 2022</u> -129
Finance:	AN ORDINANCE AUTHORIZING THE MAYOR TO
P. Tollett	SOLICIT REQUESTS FOR PROPOSALS AND ENTER
B. Davis	INTO A CONTRACT FOR EMS RESPONSE AND
C. Schneider	TRANSPORT FOR THE CITY OF ELYRIA, AND
J. Cerra	DECLARING AN EMERGENCY.

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

SUSPENSI	ON	EMERGENCY	PASSAGE
AYE:	9	AYE: 9	AYE: 9
NAY:	0	NAY: 0	NAY: 0
ABSENT:	2	ABSENT: 2	ABSENT: 2
MOTION C	ARRIED	MOTION CARRIED	MOTION CARRIED

ELYRIA CITY COUNCIL

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13. ORDINANCES – FIRST READING: CONTINUED

Sponsored by:

ORDINANCE NO. 2022-130

Finance:

AN ORDINANCE AUTHORIZING THE MAYOR TO

P. Tollett

SUBMIT AN APPLICATION FOR, AND ACCEPT, IF

B. Davis

OFFERED, THE 2022 EDWARD BYRNE MEMORIAL

C. Schneider

JUSTICE ASSISTANCE GRANT (JAG), JOINTLY WITH

J. Cerra

THE COUNTY OF LORAIN AND THE CITY OF LORAIN,

AND DECLARING AN EMERGENCY.

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

SUSPENSION		EMERGENCY	PASSAGE		
AYE:	9	AYE: 9	AYE: 9		
NAY:	0	NAY: 0	NAY: 0		
ABSENT:	2	ABSENT: 2	ABSENT: 2		
MOTION C	ARRIED	MOTION CARRIED	MOTION CARRIED		

Sponsored by:

ORDINANCE NO. 2022-131

Finance:

AN ORDINANCE AMENDING ORDINANCE NO. 2022-45,

P. Tollett

KNOWN AS THE "2022 PERMANENT APPROPRIATIONS

B. Davis

ORDINANCE," TO CHANGE FUNDS IN VARIOUS

C. Schneider

ACCOUNTS.

J. Cerra

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

SUSPENSION:

PASSAGE:

AYE:

9

AYE:

9

NAY: ABSENT: 0 2 NAY:

0 ABSENT:

MOTION CARRIED

MOTION CARRIED

Sponsored by:

ORDINANCE NO. 2022-132

Utilities:

AN ORDINANCE AUTHORIZING THE USE OF CITY

D. Mitchell

OWNED REAL PROPERTY LOCATED AT PIONEER

B. Davis

PLAZA PARK, 328 BROAD STREET, ELYRIA, OHIO FOR

D. Simmons

PURPOSES OF A SEASONAL MARKET.

K. Oswald

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

REGULAR COUNCIL MEETING ELYRIA CITY COUNCIL August 1, 2022

13. ORDINANCES – FIRST READING: CONTINUED

SUSPENSION:

AYE: 9

NAY: 0

ABSENT: 2

MOTION CAPPUID

MOTION CARRIED MOTION CARRIED

Sponsored by: ORDINANCE NO. 2022-133

Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO

D. Mitchell ADVERTISE FOR BIDS AND ENTER A CONTRACT FOR

B. Davis BILLING SERVICES FOR THE ELYRIA PUBLIC

D. Simmons UTILITIES DEPARTMENT.

M. Corbin
Finance:
P. Tollett
B. Davis
C. Schneider
J. Cerra

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

SUSPENSION:

AYE: 9

NAY: 0

ABSENT: 2

PASSAGE:

AYE: 9

NAY: 0

ABSENT: 2

MOTION CARRIED MOTION CARRIED

Sponsored by: ORDINANCE NO. 2022-134

Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO

D. Mitchell ADVERTISE FOR BIDS AND ENTER INTO A

B. Davis CONTRACT FOR THE 2022 EMERGENCY SANITARY
D. Simmons AND STORM SEWER REPAIRS, AND DECLARING AN

M. C.-.L.: ENCEDICAL PROPERTY OF THE PROPERTY

M. Corbin EMERGENCY.

Finance:
P. Tollett
B. Davis

C. Schneider

J. Cerra

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: 9 AYE: 9 AYE: 9 NAY: 0 NAY: 0 NAY: 0 ABSENT: ABSENT: 2 2 ABSENT: MOTION CARRIED MOTION CARRIED MOTION CARRIED

9

REGULAR COUNCIL MEETING ELYRIA CITY COUNCIL August 1, 2022

13. ORDINANCES – FIRST READING: CONTINUED

Sponsored by: ORDINANCE NO. 2022-135

Utilities: AN ORDINANCE AUTHORIZING THE MAYOR TO

D. Mitchell ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT

B. Davis FOR THE ROCKFERN AVE. STORM SEWER
D. Simmons IMPROVEMENT PROJECT, AND DECLARE AN

M. Corbin EMERGENCY.

Finance:
P. Tollett
B. Davis
C. Schneider
J. Cerra

Mitchell moved, Simmons seconded to pass this ordinance on its first reading under suspension of the rules and declared an emergency.

SUSPENSIO	ON	EMERG	ENCY	PASSAGE	
AYE:	9	AYE:	9	AYE:	9
NAY:	0	NAY:	0	NAY:	0
ABSENT:	2	ABSENT	: 2	ABSENT:	2
MOTION C	ARRIED	MOTION (CARRIED	MOTION C	ARRIED

Mitchell moved, Simmons seconded to pass this ordinance on its first reading under suspension of the rules and declared an emergency.

14. ORDINANCES-SECOND READING:

Sponsored by:
Community
Development:

T. Callahan
C. Schneider
D. Mitchell
K. Oswald

ORDINANCE NO. 2022AN ORDINANCE GRANTING A CONDITIONAL USE
PERMIT PURSUANT TO CHAPTER 1135 OF THE
CODIFIED ORDINANCES OF THE CITY OF ELYRIA,
OHIO, TO MARCELLA MCCLINTON FOR A CHILD
CARE FACILITY AT REAL PROPERTY LOCATED AT
244 COLUMBUS STREET, ELYRIA, OHIO.

(Public Hearing is scheduled for September 6, 2022)

August 1, 2022

ELYRIA CITY COUNCIL

REGULAR COUNCIL MEETING

15. ORDINANCES-THIRD READING: None

Sponsored by: ORDINANCE NO. 2022-

Community

Development:

T. Callahan

AN ORDINANCE AMENDING SECTION 1131.02,

CODIFIED ORDINANCES OF THE CITY OF ELYRIA,

OHIO, KNOWN AS THE ZONING ORDINANCES, TO

C. Schneider REZONE REAL PROPERTY LOCATED ON BUCKEYE

D. Mitchell STREET AND WILLIAMS STREET, ELYRIA, OHIO,

K. Oswald FROM L-I LIGHT INDUSTRIAL DISTRICT AND R-TH

RESIDENTIAL-TWO HOUSEHOLD DISTRICT TO H-I

HEAVY INDUSTRIAL DISTRICT.

Mr. Lipian inquired of Law Director Deery if the City of Elyria has a Brownfield Remediation Grant in the pipeline. Law Director Deery responded that she is not aware, however that does not mean Safety Service or Engineering may not be working on something or be aware. Mr. Lipian shared that his knowledge of the grant is that it could aid in the clean up of Blue Star and that perhaps before proceeding with the passage of legislation to re-zone, he is in favor of consideration to access the grant for cleanup. Law Director Deery provided direction that the grant process is between the owner of the property. The action before council is that the legislation before the members presented is a third reading. Should no action be taken, it will fail. Mr. Cerra provided a reminder that the City of Elyria had to purchase the General Industry site in an effort to qualify for the grant.

Mr. Farkas weighed in that the current zoning is a mix of light industrial and residential. He shared that the intent is to zone six to seven parcels to heavy industrial. Building Official read for the members the full understanding of what is allowable under the re-zoning of heavy industrial district.

PASSAGE

AYE: 0 NAY: 9 ABSENT: 2 NO PASSAGE

Sponsored by: ORDINANCE NO. 2022- Amended

Rules: AN ORDINANCE PROVIDING FOR THE SUBMISSION

J. Cerra TO THE ELECTORATE OF AN AMENDMENT OF

D. Mitchell - ARTICLE III, SECTION 3.12 OF THE CHARTER OF THE

T. Callahan CITY OF ELYRIA OHIO. ENTITLED COUNCIL;

P. Tollett VACANCIES IN COUNCIL.

Cerra moved, Lipian seconded that this ordinance be passed on it's third reading.

Roll Call Vote:

AYE: Callahan, Cerra, Lipian, Oswald, Schneider

NAY: Davis, Mitchell, Simmons, Stewart

ABSENT: Corbin, Tollett

NO PASSAGE

ELYRIA CITY COUNCIL

August 1, 2022

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT 08/29/2022 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE 08/29/2022 Following CD All Referred Items Council Chambers w/Mayor, Fin. Director, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT 08/10/2022 6:00 P.M. All Referred items w/ Law Director, SSD, Engineer

STRATEGIC PLANNING 09/06/2022 Immediately following Council All Referred Items Council Chambers w/ Mayor, Safety Service Director, Finance Dir., Law Director, Engineer

17. MISC AND UNFINISHED BUSINESS:

18. ADJOURNMENT:

Mitchell motion to adjourn, Cerra seconded at 7:49.P.M.

MOTION CARRIED

Michael J. Lotko, III

Clerk of Council

RLP/

Victor F. Stewart, II

President of Council

William Linn Keller

Started out decades ago working in the Berea Strata oil fields in Perry County in Appalachia

Went to work in the water and wastewater field for a number of years

Became an EMT/Paramedic

Worked in Law Enforcement, Security, and Investigation

Was a Town Marshall (Police Chief)

Worked as a Firefighter

Became the Fire Chief

Went into Nursing, and worked as a disaster services nurse in all clinical areas for the Red Cross

This is his 29th year as a Registered Nurse

Went back into water and wastewater treatment

Has been working for the COE WWPCP as a Class III Certified Operator for the past 15 years

Linn is a published author, writing in the western genre

And he is also a calligrapher

As you can see, Linn brought an abundance of skills, experience, and wisdom to the City and has been, not just a great Operator at the plant, but also a most personable friend and a pleasure to be around. We are going to miss him at the plant but we will be keeping in touch with him. We wish him all the best in his very much earned retirement.

Terry Korzan Superintendent, WWPCP