

Minutes Approved  
*as circulated*  
*Feb. 21, 2023*

February 6, 2023  
Regular Council Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on February 6, 2023 at 7:02 p.m. by President Stewart. President Stewart opened the meeting with a moment of reflection, followed by the Pledge of Allegiance led by Mr. Corbin.

**2. ROLL CALL: COUNCIL MEMBERS**

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

OTHERS PRESENT: Mayor Whitfield, Safety Service Director Lundy, Asst. Service Director Calvert, Asst. Service Director Williams, Finance Director Pileski, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, Eng. McKillips, Superintendent Korzan, HR Dir. Yousefi

**3. PUBLIC HEARINGS:** None

**4. APPROVAL OF MINUTES:**

Mr. Cerra moved, Mr. Schneider seconded to approve the Regular Meeting Minutes of the January 17, 2023 council meeting as circulated.

MOTION CARRIED

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

**Mayor Whitfield:**

Mayor Whitfield thanked meeting participants of the comprehensive land use plan and encouraged all residents to complete the survey at [ourelyria.com](http://ourelyria.com). Mayor Whitfield offered congratulatory remarks to the county and the Port Authority for securing the purchase of the Midway Mall. He shared meetings are held weekly and they have been going well. The Mayor expressed he feels good about where things are in terms of the collaboration with the County and Port Authority. Mayor Whitfield provided information on the city of Elyria as the county seat. It was declared February 14, 1823. February 14, 2023 will be a planned celebration of some sort. Mayor Whitfield invited Fire Chief Pronesti along with invited guests, Mr. George Jackson, Ms. Laura Breese and Ms. Megan Edwards to come forward and was presented with proclamations from the city of Elyria. Chief Pronesti explained that on Friday January 6, 2023, referee Mr. George Jackson at the Elyria High School basketball game went into cardiac arrest, Mr. Jackson received immediate care from Ms. Laura Breese who functions as an athletic trainer for Elyria City Schools, Ms. Megan Edwards, a Registered Nurse who was in attendance at the game as a spectator assisted as well, came to Mr. Jackson's aid and saved his life until the fire Engine Company arrived. Chief Pronesti spoke of their demonstration to all Elyrians in the importance of knowing c.p.r and the location of the "white box", automatic external defibrillators, (A.E.D.s). He shared the heroic efforts of Ms. Edwards, as she noticed someone grab the AED box and followed them to offer aid. Chief Pronesti recognized two additional individuals, Sergeant Rick Buckway and Patrolman Joe Figula. Both were working security that night. A request for a life-

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

saving merit through Elyria Police has been submitted. Chief Pronesti described their performance as outstanding. President Stewart expressed what an amazing team effort this was by everyone involved. He shared that everyone recognized are true heroes.

President Stewart inquired on the status update of the .5% renewal tax. Mayor Whitfield explained they are waiting on the issue number, meetings have been held with the Finance Director to review past campaigns. One idea is a community friendly basketball game with police, fire, safety service and community members as a way to celebrate one another, raise awareness as well as raise funds to go towards renewal of the levy. Mayor Whitfield shared that the .5 percent levy has been renewed since 1983. It is a general fund renewal issue that primarily helps fund police and fire. The hope is that residents will support the renewal. Information regarding a public organizing meeting will be shared when details are set.

Council member Lipian inquired about feedback regarding the suggestions for ARPA fund usage from himself and Council members Corbin and Simmons. Mayor Whitfield responded presentations regarding general fund and ARPA fund recommendations as well as issue six items are planned for the next finance committee meeting.

Mr. Lipian asked if there was an update on the status of the sister cities. Mayor Whitfield responded they are in collaboration with Welcome America. Further information will be provided once the details are worked out.

### **Safety Service Director Lundy:**

SSD Lundy provided an update on the response of the street department to snow events. The engineering department will provide a greater detail report of an infrastructure project in the St. Jude area. The engineering team has been working on traffic flow. The communications team has made some adjustments to signalization to reduce backups. SSD Lundy shared that positive feedback has been received from the school expressing appreciation for effectively communicating changes that affect transport of students in and out of the area. Efforts are being made on a meeting with congresswoman Marcy Kaptur. The interest is federal funding in the area of water infrastructure to assist the city of Elyria.

### **Finance Director Pileski:**

Finance Director Pileski explained the city of Elyria has a series of long-term obligation bonds. Some of the bonds are rated by S&P Global, others are rated by Moody's Investor Services. Mr. Pileski was contacted by Moody's to review the city of Elyria bond rating, Mr. Pileski prepared a presentation. The outcome of Mr. Pileski's presentation upgraded the City of Elyria's bond rating from an A2 status to A1. President Stewart congratulated Finance Director Pileski, Assistant Finance Director Farrell and the entire finance staff. He expressed the upgraded rating and the entire wall of exemplary recognition plaques speak to the fine job of the finance department.

### **Law Director Deery:**

Law Director Deery introduced Matthew Kishman as a new Prosecutor with Elyria Municipal court. Law Director Deery requested an executive session to discuss personnel matters: specifically a separation agreement to avoid imminent litigation.

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

### **Police Chief Pelko:**

Chief Pelko provided an update on a shooting of a male that was shot in the head on West River Road. He explained that the male was life flighted in critical condition. The wife of the male was arrested. The incident is being investigated. Chief Pelko also reported a bank robbery at the LorMet on Broad Street. Leads were actively being pursued. Chief Pelko provided good news, in that a 2.7 million dollar grant was approved.

Council member Oswald shared information about an incident that happened on Canterbury and Whitman. A resident's ring camera captured the police response. The resident shared with Council member Oswald how impressive the response from Elyria Police was. Mr. Oswald offered kudos to the police department.

Council member Lipian thanked Chief Pelko for his work with the first ward to implement the no need for speed initiative. He inquired when would the program be implemented and when could he shadow EPD. Chief Pelko responded that the program has already been implemented. Council member Mitchell commented she believes the program is commendable, however other areas in the city require attention as well. In addition, people blow through stop signs. Mrs. Mitchell suggested surveillance on Lake Ave., Gateway and Bullocks Parkway. Chief Pelko stated he will add the residents in the other wards to the list.

**Fire Chief Pronesti:** No report

### **ASSD Williams:**

ASSD Williams re-introduced a project from May 2022 called the black Elyria project with Media made Perfect. The documentary chronologizes the contributions of African American in the City of Elyria. Mr. Williams discussed the project funding be re-considered at finance committee and additional discussion.

**Assistant Service Director Calvert:** No report

**HR Director Yousefi:** No report

**WWPC Superintendent Korzan:** No Report

### **Engineer McKillips:**

Engineer McKillips provided an update on the intersection of Hawthorne and Poplar, which was closed for a big sewer project. Residents would need to use Sycamore Street to get around the road closure. Excavation between Ohio and Cleveland Street is an on-going project. Ohio and Hamilton streets are both closed at Gulf Road. Gulf Road is only open to southbound traffic starting at Lafayette to Cleveland Street. Harwood Street is the suggested detour, engineer request resident drive the requested speed limit. Radar speed signs will be installed when the weather permits. Business entry locator signs will be installed soon. Starting February 7<sup>th</sup>, Longford and Cleveland Street is scheduled for closure. The intersection at Marseilles and Cleveland Street will be open to traffic. Mrs. Mitchell reminded fellow council members to

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

1. The matter of a rezoning request located at 300 4<sup>th</sup> Street, Elyria from B-D/ R-MHL to R-MHL.

**REFERRED BY:** RHC PROPERTIES

**REFERRED TO:** COMMUNITY DEVELOPMENT

2. The matter of a conditional use permit for Watch Me Grow Learning Center, located at 836 Sandalwood Ct., Elyria.

**REFERRED BY:** Nita Stevens

**REFERRED TO:** COMMUNITY DEVELOPMENT

3. The matter of renewing a lease for the Safety Town program to utilize RAPHA Academy.

**REFERRED BY:** P&R DIR. REARDON

**REFERRED TO:** COMMUNITY DEVELOPMENT/ FINANCE

4. The matter of a Development Agreement with ABC Development for infrastructure improvements.

**REFERRED BY:** ASSD CALVERT

**REFERRED TO:** COMMUNITY DEVELOPMENT/ FINANCE

5. The matter of a moral claim for Mr. Robert Martin.

**REFERRED BY:** SSD WILLIAMS

**REFERRED TO:** FINANCE

6. The matter of request to amend Ordinance No 2022-154, section 2.

**REFERRED BY:** PW SUPERVISOR CONNER

**REFERRED TO:** FINANCE

7. The matter of amending Ordinances 2023-02 & 2023-03

**REFERRED BY:** ENGINEER MCKILLIPS

**REFERRED TO:** FINANCE

8. The matter of authorizing the Mayor to submit applications for the Safe Routes to School Program.

**REFERRED BY:** ENGINEER MCKILLIPS

**REFERRED TO:** FINANCE/ UTILITIES

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

9. The matter of authorizing the Mayor to apply for a \$10,000 grant and accept if awarded through H2Ohio initiative.

**REFERRED BY: WTL JACOB**

**REFERRED TO: FINANCE/ UTILITIES**

10. The matter of the purchase of a 2023 Kobelco SK55RC-7 Mini Excavator.

**REFERRED BY: WD MANAGER ROTHGERY**

**REFERRED TO: FINANCE/ UTILITIES**

11. The matter of a purchase of a 2023 Case 580 Super N backhoe.

**REFERRED BY: WD MANAGER ROTHGERY**

**REFERRED TO: FINANCE/ UTILITIES**

12. The matter to authorize the Mayor to advertise for bids, and enter into a contract for sludge disposal at the WWPC plant.

**REFERRED BY: SUPT. KORZAN**

**REFERRED TO: FINANCE/ UTILITIES**

13. The matter of authorizing certain structures to remain within the existing right of way during the construction of Cleveland Street.

**REFERRED BY: ENGINEER MCKILLIPS**

**REFERRED TO: UTILITIES**

**14-15 Received and Placed on file in the clerk's office:**

14. Denied claim for damage: Robert Martin.

15. Report of Brookdale Cemetery for the period of July 1, 2022 through August 31, 2022.

**7. PETITIONS--COUNCIL MEMBERS:** None

**8. PETITIONS--LOBBY:**

Jeanine Donaldson- 1515 S. Lakeview Blvd. / Elyria YWCA 318 West Ave. Elyria, OH

Juneteenth Fireworks-

Mrs. Donaldson expressed that a few weeks ago a matter was brought before the utilities committee to review the ordinance regarding the usage of fireworks in the City of Elyria. Mrs. Donaldson stated that it was noted in the newspaper that council voted to make exceptions on July, 4<sup>th</sup>, New Years Eve and New Years Day for a limited amount of time. Mrs. Donaldson explained that she wrote to each council member individually, she explained why and that she wanted to explain why Juneteenth, which is now a federally recognized holiday should be viewed as an exception. Mrs. Donaldson shared that the newspaper provided information that Juneteenth was compared to Cinco de Mayo, and Chinese New Year. She expressed we have the opportunity

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

to celebrate and honor a uniquely American holiday. She expressed that was her reason for coming before council to fight for the right to have fireworks on Juneteenth. The goal would be that the City of Elyria would one day celebrate Juneteenth with a big fireworks celebration at Cascade Park. She also provided congratulatory remarks regarding the debate in the discussion of the fireworks. She shared the debate was similar to past visits she has had before council to update them on the YWCA and the relationship with Elyria city council passing racism as a public health crisis. She applauded the committee for looking at inclusivity during the debate of the fireworks. President Stewart thanked Mrs. Donaldson and referred to Law Director Deery about amending the ordinance. Law Director Deery explained that the proposed ordinance applied to individual residents, the ordinance does not pertain to licensed exhibitors. Law Director Deery explained the ordinance aligns with how the State of Ohio revised code provision operates. Mayor Whitfield expressed that he believed what Mrs. Donaldson was saying is that the comparison of the holiday translates into what is done as a city, if the city equates the holiday as just another holiday, then no exception is made. In addition residents, not just the city should have the right to celebrate with fireworks. Mrs. Donaldson expressed that she would be fine with ordinance as it is proposed. Mayor Whitfield expressed, Mrs. Donaldson may be ok with the proposed ordinance, however residents are not. Mrs. Mitchell shared that the committee attempted to do what was requested of them by the residents. Residents with PTSD came before council and complained about the effects of the fireworks on their dogs, children, night work schedules, etc. The fireworks were disruptive for many residents. Mrs. Mitchell explained that the committee was not trying to exclude or limit any group, however was trying to be fair, she felt that the committee was fair. She shared that the committee is open to revisit dates in the future. The committee was trying to be inclusive and had much debate over which holidays to include. Council member Lipian thanked council member Mitchell for conducting a great debate on the subject of the fireworks. Mrs. Donaldson expressed that she appreciated the debate. Mrs. Donaldson provided additional information into the 200 history celebration of Lorain County. Council member Oswald commending committee chair Mitchell on conducting a great committee meeting, he stated there was great discussion on the fireworks topic. He explained the committee considered information received from residents. Mr. Oswald stated the committee was attempting to find a happy medium and not make any one culture feel bad.

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

**10. RESOLUTIONS--FIRST READING: None**

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

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

**13. ORDINANCES--FIRST READINGS:**

**Sponsored by:**

**Utilities**

D. Mitchell

B. Davis

D. Simmons

M. Corbin III

K. Oswald

**ORDINANCE NO. 2023-15**

AN ORDINANCE AMENDING ELYRIA CODIFIED ORDINANCE CHAPTER 549 WEAPONS AND EXPLOSIVES, SECTION 549.10 FIREWORKS.

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

SUSPENSION

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**Sponsored by:**

**Finance**

V. Stewart III

P. Tollett

B. Davis

C. Schneider

J. Cerra

**ORDINANCE NO. 2023-16**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY/ FEMA, AND ACCEPT, IF OFFERED, THE FY 2022 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF A RESCUE TRUCK FOR THE ELYRIA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

SUSPENSION

AYE: 10

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE

AYE: 10

NAY: 0

ABSENT: 0

MOTION CARRIED

EMERGENCY

AYE: 10

NAY: 0

ABSENT: 0

MOTION CARRIED

**Sponsored by:**

**Finance**

V. Stewart

P. Tollett

B. Davis

C. Schneider

J. Cerra

**ORDINANCE NO. 2023-17**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOMELAND SECURITY /FEMA, AND ACCEPT IF OFFERED, THE FY 2022 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, JOINTLY WITH MULTIPLE JURISDICTIONS WITHIN TH COUNTY OF LORAIN FOR RADIO EQUIPMENT , AND DECLARING AN EMERGENCY.

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

**13. ORDINANCES--FIRST READINGS: CONTINUED**

<b>SUSPENSION</b>	<b>PASSAGE</b>	<b>EMERGENCY</b>
AYE: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0	ABSENT: 0
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:**  
**Finance**  
 V. Stewart  
 P. Tollett  
 B. Davis  
 C. Schneider  
 J. Cerra

**ORDINANCE NO. 2023-18**  
 AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO  
 PAY UNENCUMBERED BILLS FROM 2022 , AND DECLARING  
 AN EMERGENCY.

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

<b>SUSPENSION</b>	<b>PASSAGE</b>	<b>EMERGENCY</b>
AYE: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0	ABSENT: 0
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**14. ORDINANCES--SECOND READING: None**

**15. ORDINANCES--THIRD READING: None**

**16. COMMITTEE CALLS:**

COMMUNITY DEVELOPMENT 2/13/2023 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE 2/13/2023 Following CD All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE 2/13/2023 Following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT 2/08/2023 6:00 P.M. All Referred Items Council Chambers w/SSD, Law Director, Engineer

STRATEGIC PLANNING 2/21/2023 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer



**17. MISCELLANEOUS AND UNFINISHED BUSINESS:**

Mr. Lipian Oberlin shared with council the opportunity to have Oberlin Conservatory play music before council meetings, to increase attendance and set the mood in council before each meeting. President Stewart shared the idea would be welcomed. He asked that Mr. Lipian provide the request to the council clerk's office.

Mr. Cerra moved, seconded by Mr. Schneider to go into executive session.

Roll Call:

Callahan, Cerra, Corbin, Davis, Oswald, Mitchell, Tollett, Lipian, Simmons, Schneider, Stewart  
Executive session began 7:56 p.m.

Executive session ended 8:46 p.m.

Roll Call:

Callahan, Cerra, Corbin, Davis, Oswald, Mitchell, Tollett, Lipian, Simmons, Schneider, Stewart

Council member Tollett asked HR. Director Yousefi, now that it had been determined that the letter in question was post dated after the fact, is this a common practice with the HR management?

SSD. Lundy addressed President Stewart, due to the matter being a legal, personnel matter, under the advice of counsel felt that the matter was not up for discussion. Council member Tollett explained that he was inquiring about a document that was public record. SSD Lundy stated that it is a legal matter and did not feel that comments would benefit the city. Council member Lipian commented that it is best for council to conduct themselves with decorum and class and maintain certain levels of confidentiality in the determination of processes.

**ORDINANCE NO. 2023-19**

**AN ORDINANCE AUTHORIZING A SEPARATION AGREEMENT, RELEASE, AND WAIVER WITH KEVIN CLOUD, AND DECLARING AN EMERGENCY.**

Tollett moved, Lipian seconded to pass this ordinance under suspension of the rules, and declaring an emergency without benefit of a committee report.

<b>SUSPENSION</b>	<b>PASSAGE</b>	<b>EMERGENCY</b>
AYE: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0	ABSENT: 0
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**18. ADJOURNMENT:**

Cerra moved, Mitchell seconded to adjourn the Regular Council Meeting at 8:52 P.M.

MOTION CARRIED



Michael J. Lotko, III  
Clerk of Council



Victor Stewart, III  
President of Council

RLP/