

Minutes Approved

*as Circulated*

*March 4, 2023*

February 21, 2023

Regular Council Meeting

Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on February 21, 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. Schneider.

**2. ROLL CALL: COUNCIL MEMBERS**

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

Moved by Mr. Cerra, seconded by Mr. Schneider to excuse Mr. Stewart's absence.

MOTION CARRIED

OTHERS PRESENT: Safety Service Director Lundy, Finance Director Pileski, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, Eng. McKillips, Superintendent Korzan

**3. PUBLIC HEARINGS:** None

**4. APPROVAL OF MINUTES:**

Mr. Cerra moved, Mrs. Simmons seconded to approve the Regular Meeting Minutes of the February 6, 2023 council meeting as circulated.

MOTION CARRIED

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

Finance Director Pileski: No report

Law Director Deery: No report

Safety Service Director Lundy:

SSD Lundy offered a compliment to the First Responders regarding the incident at Suzin L. Chocolatier, where a portion of the facade came down on February 9, 2023. SSD Lundy explained that Chief Pronesti orchestrated the event extremely well. Chief Pelko did an amazing job shutting things down and the engineering department had a fence up for safety fairly quickly. The store was able to open for the busy weekend. Crews responded just as well to the unfortunate incident at Espresso Bakery where a car ran into the building. SSD Lundy, shared the driver in the incident was a 39 year old Parma resident. Mr. Tollett congratulated the fire department for a job well done related to the call response of Suzin L's. He explained that it was important for him to share specific information for the record regarding the call specifics. The fire department had to get on the rooftop of the building, mutual aid from Sheffield Village had to be called due to the city of Elyria ladder truck being out of commission. The ladder truck is a fifteen year old apparatus. Council member Tollett will add the request of a new apparatus at the next finance committee meeting. He further explained that the apparatus will be close to nineteen years old before the city can obtain a new apparatus. Council member Lipian inquired of SSD Lundy the

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

condition of the driver in the Exspresso Bakery incident. SSD Lundy responded he did not have information. Council member Oswald shared information about a medical building that the facade came off. He explained the material was a stucco type product. He explained there was a class action law suit against the company applying the product. He believes structural concerns could actually exist and questioned would there be some follow up.

### **Police Chief Pelko: No report**

Council member Lipian asked Chief Pelko to provide an update on the Harvard incident. Chief Pelko explained that as he had previously discussed with council member Lipian, there had been a drive by shooting on Harvard that is being investigated. The house had been shot up previously, an arrest had been made of a juvenile related to a couple of robberies and gun related incidents. If any residents have video camera footage that may be helpful to the investigation, it is welcomed.

### **Fire Chief Pronesti: No report**

Council member Callahan asked if Fire Chief Pronesti could provide an update on the train derailment, regarding the derailment issue that occurred in East Palestine, what a response would look like should a situation occur in Elyria. Chief Pronesti explained that the fire department is not a stranger to chemical problems. The fire department experienced the Aztec blow up thirty years ago. Chief Pronesti explained the train had traveled through the city of Elyria an hour prior to the derailment. In addition, Norfolk Southern Railway is located in downtown Elyria and hazardous materials come through all of the time. Chief Pronesti explained that his team is trained and he would hope the citizens trust himself and Police Chief Pelko to keep everyone safe. He described the situation in East Palestine as a once in a generation event. He would look to review the emergency preparedness plan. Mr. Oswald commented regarding the county emergency management person, would that person be called on. Chief Pronesti responded he would be the person to respond to emergency issues with the city.

### **Engineer McKillips: No report**

Council member Lipian asked if Engineer McKillips could please provide an opinion regarding the car through Exspresso Bakery and a few years ago a car went through Nikki's Good To Go and the possibility of some kind of barrier structure. Engineer McKillips responded that would be some thing to provide thought to, however with businesses that are within the right of way, it is difficult to place other items of protection in that area that could potentially cause more damage than perceived as helpful. Property owners have the liberty to place safe guards to protect their investment. Council member Lipian stated he has received suggestions from residents such as, rumble bumps, safer barriers, speed humps and pylons. Chief Pronesti responded regarded cars versus building. He explained that this has been a topic in the past and every type of emergency is not preventable.

### **WWPC Superintendent Korzan: No Report**

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

1. The matter of the Enterprise Zone and Community Reinvestment Area recommendations from the Tax Incentive Review Council (TIRC).

**REFERRED BY: CD DIRECTOR SCOTT**

**REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE**

2. The matter of obtaining an ordinance allowing Safety Service Director Matt Lundy to reside outside of the City of Elyria.

**REFERRED BY: MAYOR FRANK WHITFIELD**

**REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE**

3. The matter of a conditional use permit for 131 Williams Street, Elyria, OH.

**REFERRED BY: MIDWEST TRENDSETTERS INC.**

**REFERRED TO: PLANNING COMMISSION/ COMMUNITY DEVELOPMENT**

4. The matter of a request for fee assistance with permits.

**REFERRED BY: TARA STRBO**

**REFERRED TO: FINANCE**

5. The matter of Cintas uniform/ mats contract renewal.

**REFERRED BY: SSD LUNDY**

**REFERRED TO: FINANCE**

6. The matter of disposal of vehicles unfit for municipal use.

**REFERRED BY: POLICE CHIEF PELKO**

**REFERRED TO: FINANCE**

7. The matter of authorizing the Mayor to advertise for bids and award a contract: South Park Baseball Field.

**REFERRED BY: P & R DIRECTOR REARDON**

**REFERRED TO: UTILITIES**

8. The matter of authorizing the Mayor to advertise for bids and award a contract: South Park Multi- Purpose Field.

**REFERRED BY: P & R DIRECTOR REARDON**

**REFERRED TO: UTILITIES**

9. The matter of authorizing the Mayor to advertise for bids and award a contract: Washington Village Park.

**REFERRED BY: P & R DIRECTOR REARDON**

**REFERRED TO: UTILITIES**

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

**10. -12 Received and Placed on file in the clerk's office:**

10. January 2023 Income Tax Report

11. January 2023 General Fund Cash Balance Report

12. List of receipts collected by each division of the Clerk of Court's office for January 2023

**7. PETITIONS--LOBBY:**

Lisa Wright- 258 Brunswick Dr. Apt. 8, Elyria, OH- ARPA Funds- Would like to know if a proposal for a childcare center should be submitted before the budget is passed.

Nick Katsaros- 6326 Lake Ave., Elyria, OH- Ohio Edison- Reintroduced himself to everyone and provided contact cards for everyone. Mr. Davis thanked him for coming. Lights were out on W. River she would like to talk further regarding. Mr. Oswald provided the address for 237 Pepperdine for a light issue. Mr. Tollett and Mrs. Mitchell explained that Mr. Katsaros is very responsive.

Jason Pallardy- 312 Harvard Ave., Elyria, OH- Shootings on Harvard- Twenty year Harvard resident, concerned with quality of life in neighborhood lately. Recent shootings and speeding, disregard for stop signs. Mr. Lipian thanked Mr. Pallardy for his comments.

Robert B. Martin- 860 Oak St., Elyria, OH- Damages- Inquiry regarding claim for damage.

Matthew VanWormer- 235 Denison Ave., Elyria, OH- Express Bakery Crash Response - Exhibit "A" attached

Lauri Warfield- 16565 Snyder Rd., Chagrin Falls, OH- Washington Ave. Church ARPA Grant Exhibit "A" attached

Mark Mathes- 1730 Gulf Rd., Elyria, OH- ARPA Grant request- Exhibit "A" attached

Ron Dauphin- 230 Washington Ave., Elyria, OH ARPA Funding- Exhibit "A" attached

Rev. Nathan A. Russell- 136 Barrington Ct., Elyria, OH- ARPA Funding Essential Services- Exhibit "A" attached

Cheryl Wright- 110 Williams St., Elyria, OH - Chestnut Ridge/ Rt. 57 traffic- Concerned about Chestnut Ridge Rd. Traffic, however also concerned about pedestrians walking on Reaser Point crossing.

Mark Krick - 105 Harvard Ave., Elyria, OH - Chestnut Commons Traffic Concerns- Chestnut Ridge Traffic is ridiculous, proposed an entrance/ intersection at Wal-mart and 57. Mrs. Mitchell reminded guest, route 57 is a state route.

**7. PETITIONS--LOBBY: CONTINUED**

Jose Martinez- 620 Park Ave., Elyria, OH- Harvard Shootings- Longtime resident, neighborhood is no longer safe.

Mary Siwierka- 119 Fresno Ct., Elyria, OH- Chestnut Commons Development - Exhibit "A" attached

Gary Gibbs- 1610 Park Ave., Elyria, OH- Chestnut Ridge Rd.- Raised in the third ward, is very passionate about that ward. Suggest that signage or signalization would help, suggest ODOT involvement with the traffic issues at Chestnut Ridge area.

**8. PETITIONS--COUNCIL MEMBERS:**

Council member Corbin expressed that he has received numerous calls from residents in his ward concerning Chestnut Ridge. Council member Corbin explained that he is not opposed to the development of the gas station or grocery store. His concern is that a solution to the traffic issues is needed. Mr. Corbin stated that he has had conversation with ODOT, county commissioners, and Eaton Township representatives. He believes everyone should come together to discuss a traffic solution. Mr. Corbin shared that the resident calls he received, mentioned a right-in, right out of Wal-Mart should have been considered initially. Some residents mentioned a Michigan left turn. Mr. Corbin shared that Phase II of the project lacked a number of additional details, regarding the number of additional homes and retail stores. Council member Corbin stated that his stance would be to vote no on the suspension and passage of the legislation concerning the Eaton development in support of the constituents in the third ward that he represents. He ended his comments with stating that a defined traffic solution is needed.

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

**10. RESOLUTIONS--FIRST READING:**

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

**RESOLUTION NO. 2023-4**  
**A RESOLUTION APPROVING A LIST SUBMITTED BY THE SAFETY SERVICE DIRECTOR FOR THE COLLECTION OF DELINQUENT INACTIVE UTILITY ACCOUNTS AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID ACCOUNTS TO THE LORAIN COUNTY AUDITOR.**

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

<b>SUSPENSION</b>		<b>PASSAGE</b>	
<b>AYE:</b>	<b>10</b>	<b>AYE:</b>	<b>10</b>
<b>NAY:</b>	<b>0</b>	<b>NAY:</b>	<b>0</b>
<b>ABSENT:</b>	<b>1</b>	<b>ABSENT:</b>	<b>1</b>
<b>MOTION CARRIED</b>		<b>MOTION CARRIED</b>	

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

**Sponsored by:**

**RESOLUTION NO. 2023-5**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III
- K. Oswald

A RESOLUTION FINDING THE CITY HAS UNFIT FOR PUBLIC USE CERTAIN CITY PROPERTY, AND DECLARING AN EMERGENCY.

**Finance**

- V. Stewart III
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

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

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

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

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

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

**Sponsored by:**

**ORDINANCE NO. 2023-20**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III
- K. Oswald

AN ORDINANCE AUTHORIZING THE DIRECTOR OF SAFETY SERVICE TO DISPOSE OF, BY THE BEST MEANS POSSIBLE, CITY PROPERTY THAT IS UNFIT FOR MUNICIPAL USE, AND DECLARING AN EMERGENCY.

**Finance**

- V. Stewart III
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

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

SUSPENSION	PASSAGE	EMERGENCY
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**13. ORDINANCES--FIRST READINGS: CONTINUED**

<b>AYE:</b> 10	<b>AYE:</b> 10	<b>AYE:</b> 10
<b>NAY:</b> 0	<b>NAY:</b> 0	<b>NAY:</b> 0
<b>ABSENT:</b> 1	<b>ABSENT:</b> 1	<b>ABSENT:</b> 1
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III

**Finance**

- V. Stewart III
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-21**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW 2023 CASE 580 SN BACKHOE, FOR THE WATER DISTRIBUTION DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM OR EQUIVALENT PROGRAM, AND DECLARING AN EMERGENCY.

Davis moved, Schneider 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>
<b>AYE:</b> 10	<b>AYE:</b> 10	<b>AYE:</b> 10
<b>NAY:</b> 0	<b>NAY:</b> 0	<b>NAY:</b> 0
<b>ABSENT:</b> 1	<b>ABSENT:</b> 1	<b>ABSENT:</b> 1
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-22**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW 2023 KOBELCO MINI EXCAVATOR, FOR THE WATER DISTRIBUTION DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM OR EQUIVALENT PROGRAM, AND DECLARING AN EMERGENCY.

Davis moved, Schneider 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>
<b>AYE:</b> 10	<b>AYE:</b> 10	<b>AYE:</b> 10
<b>NAY:</b> 0	<b>NAY:</b> 0	<b>NAY:</b> 0

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

**ABSENT: 1**

**ABSENT: 1**

**ABSENT: 1**

**MOTION CARRIED**

**MOTION CARRIED**

**MOTION CARRIED**

**Sponsored by:**

**ORDINANCE NO. 2023-23**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III
- K. Oswald

**AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS, AND ENTER INTO A CONTRACT FOR SLUDGE DISPOSAL AT THE WWPC PLANT.**

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

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

**SUSPENSION**

**PASSAGE**

**AYE: 10**

**AYE: 10**

**NAY: 0**

**NAY: 0**

**ABSENT: 1**

**ABSENT: 1**

**MOTION CARRIED**

**MOTION CARRIED**

**Sponsored by:**

**ORDINANCE NO. 2023-24**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III
- K. Oswald

**AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION, AND ACCEPT IF OFFERED, THE SAFE ROUTES TO SCHOOL PROGRAM GRANT, AND DECLARING AN EMERGENCY.**

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

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

**SUSPENSION**

**PASSAGE**

**EMERGENCY**

**AYE: 10**

**AYE: 10**

**AYE: 10**

**NAY: 0**

**NAY: 0**

**NAY: 0**

**ABSENT: 1**

**ABSENT: 1**

**ABSENT: 1**

**MOTION CARRIED**

**MOTION CARRIED**

**MOTION CARRIED**



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

**Sponsored by:**

**Utilities**

- D. Mitchell
- B. Davis
- D. Simmons
- M. Corbin III
- K. Oswald

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-25**

AN ORDINANCE RATIFYING THE APPLICATION OF THE MAYOR, AND ACCEPT IF OFFERED, THE H2OHIO GRANT PROGRAM, AND DECLARING AN EMERGENCY.

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

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

**Sponsored by:**

**Community Development**

- T. Callahan
- A. Lipian
- C. Schneider
- D. Mitchell
- K. Oswald

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-26**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH RAPHA ACADEMY TO LEASE PREMISES LOCATED AT 700 GULF ROAD, ELYRIA, OHIO, FOR THE ELYRIA SAFETY TOWN PROGRAM.

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

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED

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

**Sponsored by:**

**Community Development**

- T. Callahan
- A. Lipian
- C. Schneider
- D. Mitchell
- K. Oswald

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH EATON POINT LLC, OR IT DESIGNEE.**

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

Council member Tollett, shared that a couple of years ago the City of Elyria invested in a traffic management system, the system is not yet functioning in this area. Mr. Tollett explained that in conversations with the engineering department, Reaser Parkway was made to accommodate nine to ten thousand vehicles a day. Currently two thousand vehicles a day access the road. The current flow of traffic is not being directed accurately. Mr. Tollett stated his personal choice would be to pause on this decision to listen to the residents and allow engineering to complete the traffic management system.

Mitchell made a moved to send the matter back to committee, Tollett seconded.

**SUSPENSION**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

**PASSAGE**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

**Sponsored by:**

**Finance**

- V. Stewart
- P. Tollett
- B. Davis
- C. Schneider
- J. Cerra

**ORDINANCE NO. 2023-27**

**AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO PAY A MORAL CLAIM TO ROBERT B. MARTIN.**

Tollett moved, Schneider seconded to pass this ordinance its first reading under suspension of the rules.

**SUSPENSION**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

**PASSAGE**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

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

**Sponsored by:** **ORDINANCE NO. 2023-28**  
**Finance**  
 V. Stewart  
 P. Tollett  
 B. Davis  
 C. Schneider  
 J. Cerra

AN ORDINANCE AMENDING ORDINANCE NO. 2022-154, TO CHANGE FUNDS LISTED IN SECTION 2 FOR THE AGREEMENT WITH RURAL LORAIN COUNTY WATER AUTHORITY (RLCWA), AND DECLARING AN EMERGENCY.

Tollett moved, Schneider 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>
<b>AYE: 10</b>	<b>AYE: 10</b>	<b>AYE: 10</b>
<b>NAY: 0</b>	<b>NAY: 0</b>	<b>NAY: 0</b>
<b>ABSENT: 1</b>	<b>ABSENT: 1</b>	<b>ABSENT: 1</b>
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:** **ORDINANCE NO. 2023-29**  
**Finance**  
 V. Stewart  
 P. Tollett  
 B. Davis  
 C. Schneider  
 J. Cerra

AN ORDINANCE AMENDING ORDINANCE NO. 2023-2, TO INCREASE THE MAXIMUM STATE INFRASTRUCTURE BANK LOAN AMOUNT FOR THE CLEVELAND STREET PROJECT, AND DECLARING AN EMERGENCY.

Tollett moved, Schneider 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>
<b>AYE: 10</b>	<b>AYE: 10</b>	<b>AYE: 10</b>
<b>NAY: 0</b>	<b>NAY: 0</b>	<b>NAY: 0</b>
<b>ABSENT: 1</b>	<b>ABSENT: 1</b>	<b>ABSENT: 1</b>
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

**Sponsored by:** **ORDINANCE NO. 2023-30**  
**Finance**  
 V. Stewart  
 P. Tollett  
 B. Davis  
 C. Schneider  
 J. Cerra

AN ORDINANCE AMENDING ORDINANCE NO. 2023-3, TO INCREASE THE STATE INFRASTRUCTURE BANK LOAN AMOUNT FOR THE E. BROAD STREET PROJECT, AND DECLARING AN EMERGENCY.

Tollett moved, Schneider 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>
<b>AYE: 10</b>	<b>AYE: 10</b>	<b>AYE: 10</b>
<b>NAY: 0</b>	<b>NAY: 0</b>	<b>NAY: 0</b>
<b>ABSENT: 1</b>	<b>ABSENT: 1</b>	<b>ABSENT: 1</b>
<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>	<b>MOTION CARRIED</b>

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

**Sponsored by:**

**Utilities**

D. Mitchell

B. Davis

D. Simmons

M. Corbin III

K. Oswald

**ORDINANCE NO. 2023-31**

**AN ORDINANCE PERMITTING CERTAIN STRUCTURES TO REMAIN IN THE EXISTING RIGHT-OF-WAY DURING THE CLEVELAND STREET RECONSTRUCTION PROJECT, AND DECLARING AN EMERGENCY.**

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

**SUSPENSION**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

**PASSAGE**

**AYE: 10**

**NAY: 0**

**ABSENT: 0**

**MOTION CARRIED**

**EMERGENCY**

**AYE: 10**

**NAY: 0**

**ABSENT: 1**

**MOTION CARRIED**

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

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

**16. COMMITTEE CALLS:**

**COMMUNITY DEVELOPMENT 2/27/2023 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.**

**JOINT CD/FINANCE 2/27/2023 Following CD All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.**

**FINANCE 2/27/2023 Following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer**

**UTILITIES, SAFETY & ENVIRONMENT 3/08/2023 6:00 P.M. All Referred Items Council Chambers w/SSD, Law Director, Engineer**

**STRATEGIC PLANNING 3/06/2023 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer**

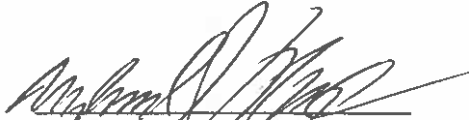
**17. MISCELLANEOUS AND UNFINISHED BUSINESS:**

**Council member Oswald shared there will be a meeting on Tuesday March 7<sup>th</sup> from 6:30-8:00pm in council chambers regarding the deer issue. Questions can be sent ahead of time to [koswald@cityofelyria.org](mailto:koswald@cityofelyria.org) or [crosado@cityofelyria.org](mailto:crosado@cityofelyria.org)**

**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/



Exhibit "A"

AT 9 AM ON SUNDAY, A CAR RAN INTO EXPRESSO BAKERY, DOING ABOUT 65 MPH. AT 9:45 MY FAMILY & I DROVE BY ON OUR WAY TO CHURCH. THE CAR WAS GONE, AND ALL THAT WAS LEFT WAS THE <sup>HOLE</sup> DAMAGE. I WANT TO COMMEND THE ELYRIA FIRE DEPARTMENT, CHIEF FANNETTI, AND THE EMTS THAT GOT THINGS CLEANED UP, & SAFE FOR RESIDENTS & ~~THE~~ THE BAKERY, SO QUICKLY, <sup>ALONG WITH A</sup> WE CONTINUE TO SEE THESE TYPES OF ACCIDENTS, THE RESULT OF PEOPLE GOING TOO FAST IN RESIDENTIAL AREAS. UNFORTUNATELY, OUR POLICE FORCE CONTINUES TO BE UNDERSTAFFED, NOT ALLOWING THEM TO PATROL AS THEY BOUNCE FROM CALL TO CALL. WE HAVE TO FIND A WAY TO GET ~~OUR~~ CHIEF PELKO THE STAFFING LEVELS HE NEEDS TO ALLOW HIS OFFICERS TO DO THE PATROLLING NECESSARY TO DETER PEOPLE FROM SPEEDING THROUGH OUR NEIGHBORHOODS. THE SPEED LIMIT <sup>DISPLAYING</sup> SIGNS ARE GREAT, BUT THERE ARE NO SUBSTITUTE FOR AN EPD CROWISER. THANK YOU, COUNCIL, FOR YOUR TIME.

UPPER GOOD SAMARITANS

NEIGHBORHOODS

Exhibit "A"

City Council Meeting  
ARPA Comments  
2/21/23

Good evening. I'm Ron Dauphin, an Elyria resident and a member of Washington Ave Christian Church.

A church, we know, is a space that is set aside for worship. But there's also Church that's written with a capital C, which reminds us that we have a larger mission, one that extends beyond our walls. Washington Ave. Christian Church is a place of worship open to all, but who also understands the larger mission we are called to serve.

Be assured that our church, as a non-profit organization, has impact in this city. And you know us. Maybe you've seen us with a table at Third Thursday, or seen our pastor engaged in the community through Rotary Club or praying with someone in the hospital. Maybe you know someone who's been visited by our elders for home communion. You may know that our worship services are broadcast to the whole community on YouTube. You may have constituents who are helped by our food collections, by our support of Blessing House, by our gift boxes for seniors distributed through Neighborhood Alliance.

What you probably don't know is that we are looking around and seeing needs in this community. And we see where people are hurting. We want to help. We recently hired a Youth and Young Adult minister to guide us in reaching out to the at-risk youth of our city. There are other needs, too, some that we aren't even aware of yet. We want to serve our neighbors as you do. We want to make a difference in Elyria. These funds can help. You, the council, can help.

We ask for your support so that we can continue and expand our work within this city we love.

Ron Dauphin  
230 University Ave.  
Elyria OH 44035



Exhibit "A"

My name is Lauri Warfield. I encourage you to support our application for the ARPA funding recently submitted by my church, WACC.

I am was born into the WACC family in 1951. My father and mother were both born and raised in Elyria.

You might be interested to know that WACC has been an example of stability in Elyria throughout its history. The church was originally known as the Elyria Disciples. The group incorporated on April 23, 1883, (140 years ago) and later purchased a former Methodist church on the corner of Second and Chapel Streets where the congregation worshiped for many years.

In 1945, the congregation purchased the 3.5-acre Washington Avenue home, which was previously owned by United States Congressman and Ambassador to France, William Graves Sharp.

WACC moved to its Washington Avenue Property in 1953 after the original mansion's facade was bricked over to match the newly-constructed sanctuary. The property also included an interesting variety of historic trees and a spacious lawn that now houses individual community garden plots tended by WACC's neighboring residents.

In 2000, an education building was added, the original mansion rooms refurbished, and the sanctuary renovated, including the installation of a 17-rank Kegg pipe organ. With these improvements, the congregation included \$132,000 for various outreach programs as part of our fundraising goals.

The church remains a beautiful monument to God and is a testament to planting seeds for the future, to a faithful congregation spanning many generations, and to Christian care of our neighbors near and far. The congregation itself has been recognized for its commitment to outreach, consistently being in the upper 5% of all Disciples congregations in its mission giving.

During COVID, WACC was committed to continuing serving our neighbors by purchasing equipment to offer worship and support on line. We conducted committee and leadership meetings via zoom, we offered devotional opportunities, social gatherings, and pastoral care through our website and social media. This transition was costly in terms of technology and those who sacrificed time to plan and execute various parts of serving our congregation and our neighbors near and far. When we did open our doors, we had extra cleaning expenses, masks, special communion cups, wipes, and hand sanitizer.

We understand that other small businesses and churches in our area have received ARPA funding already. Please also support our request for ARPA funding. Thank you for your time.

Exhibit "A"

**Regan Phillips**

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**From:** Mark Mathes <mark.mathes48@gmail.com>  
**Sent:** Tuesday, February 28, 2023 9:51 AM  
**To:** Regan Phillips  
**Subject:** Council Comments

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Regan,

I learned last night that google docs saves each edit that was made to a document. Here is a copy of my comments that were made at the City Council meeting last week.

Good evening members of Council. My name is Mark Mathes and I reside at 1730 Gulf Rd. I have lived in Elyria since 1979 and have been an active member of WACC since 1980. Though not a native, I have chosen to make this my home with my family. Thanks for this opportunity to speak. We as a church have submitted a grant request for ARPA funds, consistent with the purpose for which those funds are intended.

I am not here asking for our grant to be approved or disapproved. I am only asking that the criteria used in evaluating and approving previously granted requests be equitably applied to our grant request. I am hopeful and confident that this will happen, as a fair and impartial process is good for all of Elyria, including its residents and the officials that are both elected and appointed to serve. Thank you for your consideration.

I hope this is helpful. It's good to learn new things.  
Mark Mathes

Exhibit "A"

Rev. Nathan A. Russell  
136 Barrington Ct  
Elyria OH 44035

Transcript of Comments Given to the Elyria City Council on Tuesday, February 21, 2023

Leaders of the City of Elyria, I bring greetings from Washington Avenue Christian Church (Disciples of Christ). I am the Rev. Nathan Russell, and as many of you know, I live in the house that Lynette and Vic Stewart built, whose mail still comes to my address on occasion. I note his absence tonight.

When I moved here 4 years, 5 months, and 21 days ago, I had no imagination for what a mutual ministry with Washington Avenue Christian church would entail. Like many of you who were serving this body in 2020, none of us were prepared for COVID-19. We had to get creative in how we conduct business. In fact, Governor DeWine had to initiate an emergency authorization measure so that this very body could conduct its business online via Zoom.

Washington Avenue Christian Church, too, had to express its entrepreneurial spirit throughout 62-weeks of physical separation and again when we regathered in-person. We had to get creative and engage in creating meaning in ways that were true, beautiful, and meaning making.

These measures have come at a significant expense to our congregation. Thankfully, the federal government passed stimulus packages and ARPA funding. Like many congregations and social service NGOs, Washington Avenue Christian Church has written a proposal that gives evidence to our creativity, imagination, and faith.

Though you have not seen it yet, I wager that when you do, you will be inspired by this 141-year-old church that thrives in this city, whose name translates as "the river of our God."

While you won't be making any decisions tonight about ARPA funding, I hope you will remember this record-breaking crowd and the number of living saints present from Washington Avenue Christian Church when it does come time for you to pass your budget.

Our request is that you fund Essential services through ARPA dollars, but more than that, we make an invitation for you to become participants in bending the arc of the moral universe toward justice. And we, the people of Washington Avenue Christian Church, will give thanks for your leadership, stewardship, and partnership with this historic congregation.

Thank you for your time.

I have lived in Elyria since 1979 and have been an active member of WACC since 1980. Though not a native, I have chosen to make this my home, a decision that I have never regretted. Even with the challenges we as a church and as a community face, Elyria and Lorain County have much good that can sustain us and help build a better future.

WACC has submitted a grant request for ARPA funds, consistent with the purpose for which those funds are intended. We, as a church, seek to be a partner to the community at large. We have meeting facilities for in-person and on-line participants that we use for church committees and groups as well making them available to community and nonprofit groups. The COVID pandemic and our desire to be up to date with technology and programming have both impacted the improvement and changes we have made to our facilities and staffing. We have adapted and are continuing to adapt to be able to serve both our members and the community as a whole. We have been a stable and active part of Elyria and the world since 1881 and we wish to continue that effort into the future.

In evaluating our grant request, I only ask that the criteria used in evaluating and approving previously granted requests be equitably applied to our grant request. I am confident and hopeful that our request will be fairly judged and that the decision to approve or disapprove can be justified by the facts and that all of Elyria can have confidence in the fairness of both elected and appointed officials.

Thank you for your time.

Thank you for the opportunity to speak tonight as I ask for this body to push the PAUSE button on the matter before you to allow further development on Chestnut Ridge Road.

**I stress that I am not against strategically planned and vetted development in this area or any other areas in Elyria. But this project is lacking a comprehensive traffic plan which is dangerous to all of us.**

This phase one of a multi-phase project will add hundreds of vehicles to an already totally congested area and is moving forward without an update to the stale dated traffic study on file.

Part of the proposed traffic configuration includes the alignment of the in and out access points of the Sheetz Gas Station to the private roadway, meant for emergency access, at Chestnut Commons. That road was put in as a Fire Dept compromise to the over 700-foot dead end street of the initial Walmart development.

I reviewed the Planning Commission meeting minutes relative to this project over the past year offer a few comments of interest:

At the March 2022 at Planning Commission– the first rezoning request came forward. The minutes, which are paraphrased and not typed verbatim, include concerns by City staff about the rezoning and easements. PC member Barry Hubbard asked how will this affect traffic? John Schneider understands with more businesses comes more traffic, potential development to the east of 57 could help alleviate but for the time being traffic will potential be there. **I read that sentence just as the minutes are typed; not sure what that sentence means.** A neighbor spoke in opposition – but PC approved the request.

At the June 2022 meeting the street was renamed (at the request of the Engineering and Fire Dept) and Barry Hubbard asked had a traffic study been done for that area or is this a concern. John (I assume John Schneider

but official minutes don't say a last name) said that until a formal submittal is done a traffic study hasn't been completed yet. An alternate drive for Kentucky Fried Chicken and Panera was discussed – but notes don't reflect any resolution.

July's meeting brought a request from Sheetz on multiple various variances; Aldi's asked for a variance on parking spaces per our codes – asking for 35 less than code - the Chief building official objected and PC denied this ask.

In Sept 2022 - ABC asked for another relative to the length of the street. They presented a plan with a dead-end street that was 1,266 feet long. The Fire Department objected and suggested the maximum length of 660 feet – they then asked for 750 feet – which was granted.

At that meeting, there is a notation that Mayor Whitfield stated that ODOT has already conditionally approved a right turn in and right turn out onto SR 57.

However, the developer at the joint committee meeting of February 13, 2023 clarified that ODOT will approve such conditions **only when traffic has grown exponentially to warrant.**

Thus, we deal with increased traffic and congestion until it is so bad that ODOT says yes – I'm guessing that such a process will take months to study, design, and implement.

ABC asked for another variance October 2022 – and street lighting and sidewalks were waived for the project.

So tonight, before you is a proposal to move forward on a massive development that has contingencies on land acquisition, variances from ODOT, multiple variances from our codes, and requires massive infrastructure improvements.

So please consider the missing pieces:

1. A comprehensive, updated, traffic study – one that considers Reaser Pointe Crossing, the Buckeye Car Wash and the completion of the homes at 4 Seasons. One that has looked at possible solutions and/or light timing suggestions and has studied accident data. The City Engineer herself admitted on February 13 that the previous traffic studies did not include these new traffic generators.
2. A project that is relying on “cut throughs” on parcels that are not annexed and belong to Eaton Township with a major drive on Cletus Drive, parallel to Route 480. None of which is currently in the City of Elyria.
3. A project that is just the beginning a massive commercial and residential development that will put additional strain on our police and fire departments as well as other City services and lacks utility infrastructure.
4. A project that ignores a brand-new street with signalized controls that sits empty; a street that could certainly handle a busy Sheetz – **and if this proposed Sheetz includes a car wash --which seems to be their model - is another car wash an economic driver?**

I am not in opposition of development – but let’s take a step back and do it right from the beginning. We can’t undo the lack of traffic stacking between Chestnut Commons drive and SR 57. That has been in place for nearly two decades. **But moving forward without a solid plan to address the issues that will arise is just history repeating itself.**

This area, as a Council person and the Mayor mentioned at the committee meeting, is a mirror image of the traffic nightmare at Avon’s SR 83 and 254 intersection – where overdevelopment, side drives, curb cuts, and turning lanes are always congested.

One day the only option left there will be to disinter the bodies in that old cemetery to make way for the more commercial development and traffic congestion.

