

Minutes Approved
As Circulated
September 5, 2023
August 7, 2023
Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on August 7, 2023 at 7:04 p.m. by President Stewart. President Stewart opened the meeting requesting a moment of reflective silence, followed by the Pledge of Allegiance led by Finance Director Pileski.

2. ROLL CALL: COUNCIL MEMBERS

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

ABSENT: Lipian

Motion made by Cerra, seconded by Schneider to excuse the absence of Mr. Lipian.

AYES = 10

MOTION CARRIED

OTHERS PRESENT: Mayor Whitfield, Safety Service Director Lundy, Asst. Safety Service Dir. Calvert, Asst. Safety Service Dir. Williams, Finance Director Pileski, Asst. Fin. Dir. Farrell, Law Director Deery, Dir. Scott, Eng. McKillips, BO Farkas Fire Chief Pronesti, Police Chief Pelko

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES:

Mr. Cerra moved, Mr. Schneider seconded to approve the Meeting Minutes of the May 24, 2023 Special Council Meeting and June 5, 2023 Strategic Planning Meeting as circulated.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

The following city officials provided updates of the administration and their departments: Mayor Whitfield, SSD Lundy, Finance Director Pileski, Police Chief Pelko, ASSD Calvert, ASSD Williams, Engineer McKillips, Building Official Farkas, and Supt. Korzan. Dialogue ensued during the meeting. The meeting in it's entirety can be viewed on the City of Elyria's youtube channel at: <https://www.youtube.com/watch?v=DF7h2eoqhXo>

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

** Matter is completed or partially completed*

1. The matter of the PY 2024 Community Development Block Grant Action Plan, 2024-2028 Consolidated Plan.

REFERRED BY: CD MNGR. ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT

6. PRESIDENT'S REFERRALS AND REMONSTRANCES: CONTINUED

2. The matter of the Community Development Block Grant (CDBG) Consolidated Annual Action Plan Substantial Amendment.

REFERRED BY: CD MNGR. ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT

3. The matter of a Downtown Historic Redevelopment Program applicant: T. Breno

REFERRED BY: CD MNGR. ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT

4. The matter of a joint resolution between the Mayor and the City of Elyria honoring Ridge Tool Company 100 year anniversary

REFERRED BY: COUNCIL MEMBER LIPIAN- WARD- 1

REFERRED TO: COMMUNITY DEVELOPMENT

5. The matter of a rezoning request of Parcels 06-25-007-000-248, 06-25-007-000-254, 06-25-007-000-256 and 06-25-007-000-274 from L-I Light Industrial District to RDOD Redevelopment Overlay District.

REFERRED BY: DBR COMMERCIAL REALTY, LLC

REFERRED TO: COMMUNITY DEVELOPMENT

6. The matter of assigning a property lien to 150 Bath St., Elyria, OH 44035: \$280.44.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

7. The matter of assigning a property lien to 215 Clark St., Elyria, OH 44035: \$1,620.39.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

8. The matter of assigning a property lien to 309 E. Broad St., Elyria, OH 44035: \$270.69.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

9. The matter of assigning a property lien to 421 13th St., Elyria, OH 44035: \$897.15.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

10. The matter of assigning a property lien to 446 11th St., Elyria, OH 44035: \$7,000.46.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

6. PRESIDENT'S REFERRALS AND REMONSTRANCES: CONTINUED

11. The matter of assigning a property lien to 1825 Lorain Blvd., Elyria, OH 44035: \$562.54.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

12. The matter of a moral claim submitted by Thomas Alspach.

REFERRED BY: SSD LUNDY

REFERRED TO: FINANCE

13. The matter of authorizing the delinquent Stormwater Utility fees past due 180 days to be certified by the Lorain County Auditor.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: FINANCE

14. The matter of final assessment to replace Private Sewer Service.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: FINANCE

15. The matter a request for a vehicle purchase for the Elyria Fire Department.

REFERRED BY: SSD LUNDY

REFERRED TO: UTILITIES

16. The matter of authorizing the Mayor to advertise and award a contract for the Penfield Ave. Storm Sewer Improvement Project.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: UTILITIES

17. The matter of authorizing the Mayor to enter into an agreement with Burgess & Niple for the design and inspection services of the Murray Ridge Water Tower Improvement Project.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: UTILITIES

18. The matter of ratification of the Lorain County Solid Waste Management Plan.

REFERRED BY: LCSWMD DIR. DAVID A. BLEVINS

REFERRED TO: UTILITIES

19 -Received and Placed on file in the clerk's office:

List of receipts collected by each division of the Clerk of court's office for June 2023.

7. PETITIONS– LOBBY:

John L. Fath- 283 Washington Ave.- Abolishing Ordinance to picking up junk on the curb lawns
Terence Woolfork- 900 Hunters Crossing- Opposition of DEI Committee
Monet Robertson - ECP Update

8. PETITIONS–COUNCIL MEMBERS: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES:

Sponsored by:
Community
Development
T. Callahan
A. Lipian
C. Schneider
D. Mitchell
K. Oswald

COMMITTEE REPORT NO. 2023-5
WE HAVE CONSIDERED THE MATTER OF A LIQUOR
LICENSE TRANSFER FROM ALDI #59, 426 OBERLIN RD.
CARLISLE TWP. TO ALDI #59 38275 CHESTNUT RIDGE RD.,
ELYRIA, AND THE CITY OF ELYRIA DOES NOT REQUEST
HEARING.

Callahan moved that this committee report be passed on its first reading, Mitchell seconded.
PASSAGE
AYE: 10
ABSENT: 1
MOTION CARRIED

Sponsored by:
Community
Development
T. Callahan
A. Lipian
C. Schneider
D. Mitchell
K. Oswald

COMMITTEE REPORT NO. 2023-6
WE HAVE CONSIDERED THE MATTER OF A NEW LIQUOR
LICENSE PERMIT REQUESTED BY HUBERT OLIVER LEGACY
34, LLC, LOCATED AT 460 CLEVELAND ST., ELYRIA, AND
THE CITY OF ELYRIA DOES NOT REQUEST A HEARING.

Callahan moved that this committee report be passed on its first reading, Mitchell seconded.
PASSAGE
AYE: 10
ABSENT: 1
MOTION CARRIED

10. RESOLUTIONS--FIRST READING:

Sponsored by:

Finance

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

RESOLUTION NO. 2023-22

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, Schneider seconded to pass this resolution on 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

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES--FIRST READINGS:

Sponsored by:

Community

Development:

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

Finance

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

ORDINANCE NO. 2023-108

AN ORDINANCE ESTABLISHING THE CITY OF ELYRIA DIVERSITY, EQUITY AND INCLUSION (DEI) COMMITTEE.

Council member Corbin provided a lengthy statement in opposition of the DEI Committee.

Council member Tollett responded that he was in full support of the DEI Committee.

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

SUSPENSION

AYE: 9

NAY: 1

ABSENT: 1

PASSAGE

AYE: 9

NAY: 1

ABSENT: 1

13. ORDINANCES--FIRST READINGS: CONTINUED

MOTION CARRIED MOTION CARRIED

Sponsored by:
Community Development:
T. Callahan
A. Lipian
C. Schneider
D. Mitchell
K. Oswald

ORDINANCE NO. 2023-
AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE CERTAIN REAL PROPERTY LOCATED AT 615 FOSTER AVENUE, TO ELYRIA, OHIO FROM R-M D RESIDENTIAL MEDIUM DENSITY DISTRICT TO R-MHL RESIDENTIAL -MULTI-HOUSEHOLD LOW DENSITY DISTRICT.

Public Hearing Scheduled for September 5, 2023

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

ORDINANCE NO. 2023-109
AN ORDINANCE AMENDING ORDINANCE NO. 2023-34, KNOWN AS THE "2023 PERMANENT APPROPRIATIONS ORDINANCE," TO CHANGE FUNDS IN VARIOUS ACCOUNTS.

Tollett moved, Schneider seconded to pass this ordinance on 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:
Strategic Planning
P. Tollett
A. Lipian
B. Davis
C. Schneider
V. Stewart III
D. Mitchell
M. Corbin III
K. Oswald
J. Cerra
T. Callahan

ORDINANCE NO. 2023-110
AN ORDINANCE TO REDIVIDE THE CITY OF ELYRIA, OHIO, INTO SEVEN (7) WARDS, IN ACCORDANCE WITH THE 2020 FEDERAL CENSUS, AND PURSUANT TO SECTION 3.03 OF THE ELYRIA CITY CHARTER.

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

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

13. ORDINANCES—FIRST READINGS: CONTINUED

MOTION CARRIED

MOTION CARRIED

Sponsored by:

Finance

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

ORDINANCE NO. 2023-111

AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY TO THE STATE OF OHIO FOR ROUND 38 GRANT AND/R LOAN FUNDING, ADMINISTERED BY THE OHIO PUBLIC WORKS COMMISSION, FOR REPAIR, RECONSTRUCTION, AND RESURFACING OF CERTAIN ROADS IN THE CITY OF ELYRIA; AUTHORIZING THE ACCEPTANCE OF SAID GRANT AND/OR LOAN, IF OFFERED; PROVIDING LOCAL FUNDS AS NECESSARY TO COMPLETE SAID PROJECTS, AND DECLARING AN EMERGENCY.

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

SUSPENSION

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

PASSAGE

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

EMERGENCY

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

Sponsored by:

Utilities

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

Finance

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

ORDINANCE NO. 2023-112

AN ORDINANCE AMENDING THE RURAL LORAIN COUNTY WATER AUTHORITY WATER SUPPLY AGREEMENT, WHICH PROVIDES WATER SERVICES IN THE CHESTNUT COMMONS COMMERCE PARK AREA, TO REFLECT DEFERRED RATE AND TAP FEES EFFECTIVE JULY 1, 2023, AND DECLARING AN EMERGENCY.

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

SUSPENSION

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

PASSAGE

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

EMERGENCY

AYE: 10

NAY: 0

ABSENT: 9

MOTION CARRIED

13. ORDINANCES--FIRST READINGS: CONTINUED

Sponsored by:

Utilities

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

ORDINANCE NO. 2023-113

AN ORDINANCE AUTHORIZING THE MAYOR TO INTO A PROFESSIONAL SERVICES AGREEMENT WITH A PRE-QUALIFIED ENGINEERING CONSULTANT FOR CONSTRUCTION MANAGEMENT AND INSPECTION FOR THE LOR-CR658-0.00 CLEVELAND STREET PROJECT, AND DECLARING AN EMERGENCY..

Mitchell 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

Sponsored by:

Utilities

- D. Mitchell
- B. Davis
- D. Simmons
- K. Oswald

ORDINANCE NO. 2023-114

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CHANGE ORDER NO. 1 WITH KARVO COMPANIES, INC. FOR THE CLEVELAND STREET (LOR-658-0.00) PROJECT.

Mitchell moved, Davis seconded to pass this ordinance on 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:

Utilities

- D. Mitchell
- B. Davis
- D. Simmons
- K. Oswald

ORDINANCE NO. 2023-115

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CHANGE ORDER NO. 1 WITH FABRIZI TRUCKING & PAVING CO. INC. FOR THE E. BROAD STREET (LOR-623-0.00) PROJECT.

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

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 0	NAY: 0

13. ORDINANCES--FIRST READINGS: CONTINUED

ABSENT: 1 ABSENT: 1
MOTION CARRIED MOTION CARRIED

Sponsored by:

Utilities

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

ORDINANCE NO. 2023-116

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ODOT FOR THE I-90 PROJECT AND DECLARING AN EMERGENCY.

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

SUSPENSION	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

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT 8/28/2023 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE 8/28/2023 Following CD All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE 8/28/2023 Following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT 8/9/2023 6:00 P.M. All Referred Items Council Chambers w/SSD, Law Director, Engineer

COUNCIL/STRATEGIC PLANNING 9/5/2023 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

17. MISCELLANEOUS AND UNFINISHED BUSINESS: None

18. STRATEGIC PLANNING:

Motion by Mitchell, seconded by Schneider to adjourn the Regular Council Meeting and begin the business of the Strategic Planning Meeting at 8:30 P.M.

~~2. The matter of The Skill Up Our City Initiative.~~

Referred By: Safety Service Dir Lundy (tabled from 6/26 meeting)

After further discussion with President Stewart, Mayor Whitfield and Finance Director Pileski. Item number two was removed from the Strategic Planning Agenda awaiting additional information.

1. The matter of passing a Resolution in Opposition to 'Issue 1' on the August 8th Special Election Ballot.

Referred By: Mayor Frank Whitfield

Mayor Whitfield expressed his belief in the importance of making a stance against Issue One. He stated where the city of Elyria stands on a local level is making sure residents have the power to amend the constitution. Mayor Whitfield further explained that he recognized conversations held attempting to make the issue focus on abortion and reproductive rights, however that a collective effort is made to make it clear that the issue is not a yes to abortion, Issue One is preserving the power and integrity of democracy and the democratic process. Council member Tollett provided a quick history lesson in providing information on the Constitutional Convention of 1912. He stated the he agreed with Mayor Whitfield one hundred percent regarding no on Issue One, however what he was not in agreement with was council as a municipal body serving as elected politicians dictating a stance on a public election.

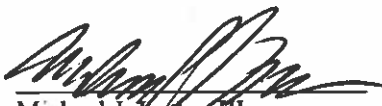
No motion on a resolution was made

Motion made Cerra, seconded by Simmons to adjourn the Strategic Planning Meeting at 8:32 P.M.

19. ADJOURNMENT:

Cerra moved, Mitchell seconded to adjourn the Regular Council Meeting at 8:32 P.M.

MOTION CARRIED


Michael J. Lutko, III
Clerk of Council


Victor Stewart III
President of Council

RLP/

Creating diversity committee OK'd

Kevin Martin The Chronicle-Telegram

Elyria City Council voted Monday to create a diversity, equity and inclusion committee that will take a deeper look at city practices in a move officials say will make Elyria more competitive as an employer.

Council voted 8-1 in favor of creating the volunteer committee. The process has been spearheaded by Elyria HR Director Jean Yousefi. In late July, Yousefi said the DEI committee would aim to work on policies and practices to make Elyria more inclusive and to educate employees, creating a safe space to allow input from all city employees.

Not everyone agreed with the concept. Councilman Maurice Corbin III, R-3rd Ward, was the sole dissenting vote. He questioned the existence of systemic racism, calling DEI a concept that appeals to emotion rather than reason.

"DEI by consent is divisive. It seeks to distribute us along racial lines and gives consideration for jobs based on disproportionality rather than qualifications. This appeals to our emotions rather than our reason and to our own detriment. The truth is, we are all one race, the human race. To forget this is to operate with a color basis. I would argue that everything is wrong with Americans through this lens of a system," Corbin said.

"This follows a particular bias called the law of instrument, a cognitive bias that states simply when you have a hammer, every problem looks like a nail. This views every problem in America as systemic and asks us today to support that by establishing this committee. I can't substantiate this claim. I cannot vote yes on this committee."

Responding to Corbin, Councilman Phil Tollett, D-at-large, said he supported the committee, referencing a recent decision by Florida Gov. Ron DeSantis to approve a new educational curriculum that teaches children about "positive life skills" learned by enslaved persons during the time of slavery.

"It's embarrassing and so I will support diversity, equity and inclusion in this council," Tollett said.

Prior to the vote, resident Terrence Woolfork, in a lengthy statement, asked Corbin to vote no and asked Council to carefully consider the unintended consequences of its decisions. He also questioned the premise of DEI, characterizing the United States as an inherently racist country. Woolfork pointed to strides made over the past two centuries following the abolition of slavery and stressed that as a Black male he felt privileged by the opportunities he has had, and that a fixation on race was unhelpful. He advocated for a broader understanding of identity.

The proposal was approved by Council's joint finance and community development committee on July 24. At the time Yousefi said that not only will it enable the city to build a 2020 resolution declaring racism as a public health crisis, but a DEI committee also will help recruit and retain top talent.

"Employee recruitment and retention depends on diversity and inclusion. Diversity improves innovation, and diverse teams make better decisions. Organizations that fail to take proactive steps to prioritize DEI find themselves perilously behind their competition, unable to attract and retain quality workers and struggling to meet organizational goals," Yousefi said.

The volunteer committee will focus on city policies and practices regarding inclusion in the workplace and will educate staffers, aiming to create a safe space to allow input from all Elyria employees.

Creating a DEI committee through an ordinance will allow the city to take a deeper look, and also will improve Elyria's competitiveness in attracting top talent; Yousefi asked Council members to partner with a new DEI committee.

Contact Kevin Martin at (440) 329-7121 or kmartin@chroniclet.com. Follow him on Twitter @KevinMartinCT.