

AS Circulated

December 4, 2023

Regular Council Meeting

Elyria City Council

January 2, 2024

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on December 4, 2023 at 7:03 p.m. by President Stewart. President Stewart opened the meeting requesting a moment of reflective silence. The Pledge of Allegiance was led by Council member Davis.

2. ROLL CALL: COUNCIL MEMBERS

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

Absent: Lipian

Moved by Cerra, seconded by Schneider to approve Council member Lipian's absence.

AYES: 10

MOTION CARRIED

OTHERS PRESENT: Safety Service Director Lundy, Asst. Safety Service Dir. Calvert, Asst. Safety Service Dir. Williams, Fin. Dir. Pileski, Law Director Deery, Fire Chief Pronesti, Police Chief Pelko, Eng. McKillips, CD Dir. Scott

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES: None

5. REMARKS AND REPORTS OF CITY OFFICIALS:

SSD Lundy:

SSD Lundy shared the December 2nd lighting ceremony was successful. He shared that included in the lighting ceremony was a fireworks display. He expressed his appreciation to the Fire Department, and Fire Marshall's and all involved. He expressed appreciation to the streets department for blocking the roads off for the event as well as cleaning the downtown area in preparation of the event. Leaf tucks are still in circulation. Leaves should be placed on the curb lawn. Council member Oswald inquired about the closing date of Barnes Nursery and the last day of the season to take leaves. SSD Lundy stated he would confirm the date. Council member Oswald inquired about fireworks outside of the dates specified in the ordinance. Law Director Deery stated the ordinance regarding fireworks pertains to city residents, not commercial firework displays. Council member Tollett inquired if a city resident then contracted with a commercial fireworks company in October, would the recommendation be that the city modify the ordinance? Law Director Deery responded the commercial company must follow the law concerning all regulatory codes.

Finance Director:

Finance Director Pileski shared he was working on final amendments to the 2023 permanent appropriations as well as the 2024 temporary appropriations for presentation to finance committee at the 12/11 meeting and then to the full council meeting on 12/18.

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Law Director Deery:

Law Director Deery brought to the attention of council an ordinance that required an amendment. The ordinance was passed June 2023 to authorize the community housing impact and preservation funds. HUD requested necessary language be added, which led to the amendment and request for emergency with the legislation. Request for passage without the benefit of a committee report, suspension of rules and declaring an emergency.

EPD:

Chief Pelko provided the date for Barnes Nursery, the closing date for the season is 12/9/2023. Chief Pelko provided an update to two incidents that required the Special Response Team, one on 12/2 and the other 12/4. Both incidents involved the subjects that had a firearm. Chief Pelko gave a shout out to the officers of the Special Response Team as well as the dispatchers for coming to a peaceful resolution without anyone being harmed.

EFD: No Report

Chief Pronesti stated that he is in support of Chief Pelko getting a raise, and that he would not be asking for a raise just because Chief Pelko is getting one. He believes Chief Pelko is fully deserving of an increase.

ASSD Calvert: No Report

Council member Schneider inquired about the Jefferson School project, ASSD Calvert responded no update has been received. Council member Mitchell inquired about a Facebook post that read "E-Sports Center, coming soon" She asked for further clarification. ASSD Calvert responded the interior construction has been ongoing and anticipates construction of the facility the early part of 2024.

ASSD Williams: No Report

CD DIR. SCOTT: No Report

ENG. MCKILLIPS:

Engineer McKillips provided an update to the Cleveland Street Road diet project, in that it is near the end. The East Broad Street project will run through the winter months with underground work. The 2023 Street resurfacing concrete road repairs asphalt phase one job is completed. Phase two is on pause for the season and will start back up in the springtime. The East Side Sewer Relief project had challenges with rock excavation. Harwood sewers should be installed within the next month. Council member Oswald inquired of the possibility of an easier travel once the Lafayette and Gulf Rd. project meets. Engineer McKillips responded yes and stated the closure would meet at Gulf rd. and Ohio Street. Engineer McKillips is hopeful all pipes would be installed underground by March.

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

1. The matter of a conditional use permit for 264 Windsor Dr.
REFERRED BY: TYLLIN LTD.
REFERRED TO: COMMUNITY DEVELOPMENT

2. The matter of a new liquor permit for Pasquales Pasta House LLC DBA Pasquales Pasta House, 301Broad Street, Elyria.
REFERRED BY: DIVISION OF LIQUOR CONTROL
REFERRED TO: COMMUNITY DEVELOPMENT

3. The matter of approval of the 2024 Issue 6 Budget.
REFERRED BY: MAYOR WHITFIELD
REFERRED TO: FINANCE

4. The matter of Demo lien referrals.
REFERRED BY: BO FARKAS
REFERRED TO: FINANCE

5. The matter of the 2024 Wastewater Department budget.
REFERRED BY: SUPERINTENDENT KORZAN
REFERRED TO: FINANCE

6. The matter of creating two new Capital Project Funds.
REFERRED BY: FINANCE DIR. PILESKI
REFERRED TO: FINANCE

7. The matter of the 2024 Water Distribution Budget.
REFERRED BY: MANAGER DAVE ROTHGERY
REFERRED TO: FINANCE

8. The matter of an allocation of \$500,000 from Issue 6 Funds to Spruce Up Elyria.
REFERRED BY: CD DIRECTOR SCOTT
REFERRED TO: FINANCE

9. The matter of municipal court Elected Officials 2024 salaries as set by the Ohio Supreme court.
REFERRED BY: MUNICIPAL CLERK ROTHGERY
REFERRED TO: FINANCE

10. The matter of the final 2023 final appropriation budget.
REFERRED BY: ASST. FINANCE DIRECTOR FARRELL
REFERRED TO: FINANCE

11. The matter of the 2024 Temporary appropriation budget.

6. PRESIDENT'S REFERRALS AND REMONSTRANCES:

REFERRED BY: ASST. FINANCE DIRECTOR FARRELL
REFERRED TO: FINANCE

12. The matter of the City of Elyria part-time seasonal wage ordinance: State of Ohio minimum wage increase.

REFERRED BY: ASST. FINANCE DIRECTOR FARRELL
REFERRED TO: FINANCE

13. The matter of authorizing the Mayor to submit applications for the Water and wastewater Grant .

REFERRED BY: ENGINEER MCKILLIPS
REFERRED TO: FINANCE/ UTILITIES

14. The matter of accepting a pocket park as an official park property.

REFERRED BY: MAYOR WHITFIELD
REFERRED TO: UTILITIES

15 -16 Received and Placed on file in the clerk's office:

15. Denied claim for damage: Heidi Sandoval.

16. As authorized by the Public Utilities Commission of Ohio: The matter of case Nos. 21-0637-GA-AIR, et al., Columbia may recover certain infrastructure investments.

7. PETITIONS-- LOBBY: None

8. PETITIONS--COUNCIL MEMBERS: None

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:
Community
Development:
T. Callahan
C. Schneider
D. Mitchell
K. Oswald
Finance:
P. Tollett
B. Davis
C. Schneider
V. Stewart III
J. Cerra

ORDINANCE NO. 2023- 160

AN ORDINANCE APPROVING THE PY 2024 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN, THE 5 YEAR CONSOLIDATED PLAN UPDATE AND ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE UPDATE FOR 2024, AND AUTHORIZING THE MAYOR TO SUBMIT THE PY 2024 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Callahan 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

ORDINANCE NO. 2023- 161

AN ORDINANCE AMENDING ORDINANCE 2023-88 IN PERTINENT PART, WHICH AUTHORIZED THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF OHIO DEVELOPMENT SERVICES AGENCY, AND ACCEPT, IF OFFERED, THE 2023 COMMUNITY HOUSING IMPACT & PRESERVATION (CHIP) FUNDS, AND DECLARING AN EMERGENCY.

Callahan moved, Schneider seconded to pass this ordinance on its first reading without the benefit of a committee report, 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: **ORDINANCE NO. 2023- 162**
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO APPLY FOR
V. Stewart III AND, IF OFFERED, ACCEPT AND ENTER INTO A WATER
P. Tollett SUPPLY REVOLVING LOAN ACCOUNT (WSRLA)
B. Davis AGREEMENT THROUGH THE OHIO EPA FOR THE
C. Schneider REPLACEMENT OF LEAD SERVICE LINES AND
J. Cerra GALVANIZED SERVICE LINES (PUBLIC AND PRIVATE
SIDES) IN THE CITY OF ELYRIA, 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	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: **ORDINANCE NO. 2023- 163**
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO
V. Stewart III ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR
P. Tollett THE REPLACEMENT OF LEAD SERVICE AND GALVANIZED
B. Davis SERVICE LINES (PUBLIC AND PRIVATE SIDES) IN THE CITY
C. Schneider OF ELYRIA, AND DECLARING AN EMERGENCY.
J. Cerra

Tollett 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

Sponsored by: **ORDINANCE NO. 2023- 164**
Finance: AN ORDINANCE AMENDING CHAPTER 192, EARNED
V. Stewart III INCOME TAX, CODIFIED ORDINANCES OF THE CITY OF
P. Tollett ELYRIA, AND DECLARING AN EMERGENCY.
B. Davis
C. Schneider
J. Cerra

Tollett 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

13. ORDINANCES--FIRST READINGS: CONTINUED

NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

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

ORDINANCE NO. 2023- 165
 AN ORDINANCE AMENDING ORDINANCE NO. 2021-73, TO ADDRESS THE THREE PER CENT (3%) COST OF LIVING ADJUSTMENT (COLA) FOR 2024, FOR CERTAIN NON-BARGAINING CLASSIFIED AND UNCLASSIFIED EMPLOYEES, 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.

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

ORDINANCE NO. 2023- 166
 AN ORDINANCE AMENDING ORDINANCE NO. 2019-94 TO ESTABLISH COMPENSATION FOR CERTAIN POSITIONS CREATED BY THE CHARTER OF THE CITY OF ELYRIA, 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.

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

ORDINANCE NO. 2023- 167
 AN ORDINANCE AUTHORIZING MEMORANDA OF UNDERSTANDING WITH THE ELYRIA POLICE PATROLMAN'S ASSOCIATION (EPPA), AND DECLARING AN EMERGENCY.

13. ORDINANCES--FIRST READINGS: CONTINUED

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

ORDINANCE NO. 2023- 168
AN ORDINANCE AMENDING ORDINANCE NO. 2021-73,
KNOWN AS THE SALARY ORDINANCE, TO ADJUST THE
WAGES OF THE ELYRIA POLICE PATROLMAN'S
ASSOCIATION (E.P.P.A.), 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.

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

ORDINANCE NO. 2023- 169
AN ORDINANCE AUTHORIZING A MEMORANDUM OF
UNDERSTANDING WITH THE ELYRIA FRATERNAL ORDER
OF POLICE (FOP), 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	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:
Finance:
V. Stewart III
P. Tollett
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2023- 170

AN ORDINANCE AMENDING ORDINANCE NO. 2021-73, KNOWN AS THE SALARY ORDINANCE, TO ADJUST THE WAGES OF THE ELYRIA FRATERNAL ORDER OF POLICE (F.O.P.), 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	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:
Finance:
V. Stewart III
P. Tollett
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2023- 171

AN ORDINANCE AMENDING SECTION 165.33(a) OF THE ELYRIA CODIFIED ORDINANCES, IN PERTINENT PART, TO CREATE AND ASSIGN PAYGRADE "D 72 A" AS AN ALTERNATIVE PAYGRADE FOR THE POSITION OF POLICE CHIEF, 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.

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

ORDINANCE NO. 2023- 172

AN ORDINANCE AMENDING SECTION 165.33(a) OF THE ELYRIA CODIFIED ORDINANCES, IN PERTINENT PART, TO CREATE AND ASSIGN PAYGRADE "D 72 A" AS AN ALTERNATIVE PAYGRADE FOR THE POSITION OF POLICE CHIEF, AND DECLARING AN EMERGENCY.

13. ORDINANCES--FIRST READINGS: CONTINUED

Tollett 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

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT 12/11/2023 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE 12/11/2023 Immediately Following Com Dev Meeting All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE 12/11/2023 Immediately Following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT 12/13/2023 6:00 P.M. All Referred Items Council Chambers w/SSD, Law Director, Engineer All


COUNCIL/STRATEGIC PLANNING 12/18/2023 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

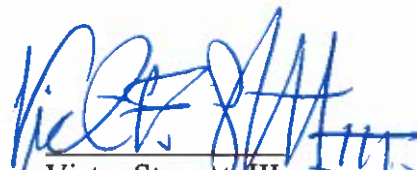
17. MISCELLANEOUS AND UNFINISHED BUSINESS:

18. ADJOURNMENT:

Mitchell moved, Cerra seconded to adjourn the Regular Council Meeting at 7:39P.M.

MOTION CARRIED


Michael J. Lotko, III
Clerk of Council


Victor Stewart, III
President of Council