

as circulated January 16, 2024
March 4, 2024 Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on January 16, 2024 at 7:01 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 Callahan.

2. ROLL CALL: COUNCIL MEMBERS

PRESENT: Callahan, Cerra, Armstrong, Oswald, Mitchell, Stewart, Schneider, Davis, Siwierka, Lipian, Tollett

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Assistant Fin. Dir. Farrell, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, ASSD Calvert, Eng. McKillips, BO Farkas, Supt. Korzan

3. PUBLIC HEARINGS:

The meeting was recessed for the Public Hearing at 7:02 PM. Clerk Lotko read the Call to the Public Hearing: **CALL TO PUBLIC HEARING**

You are hereby notified that a Public Hearing will be held on Tuesday January 16, 2024 at 7:00 P.M. to consider the following:

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, TO TYLLIN LIMITED, FOR A CLUSTER DEVELOPMENT, AT REAL PROPERTY LOCATED AT 264 WINDSOR DRIVE, ELYRIA, OHIO

President Stewart asked if there were any proponents?

Council member Schneider recused himself from the vote due to a business conflict.

President Stewart asked if there were any proponents?

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President Stewart asked if there were any opponents?

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President Stewart asked if there were any opponents?

President Stewart declared this public hearing had been held.

The regular council meeting resumed at 7:05 p.m.

ORDINANCE NO. 2024-1

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, TO TYLLIN LIMITED, FOR A CLUSTER DEVELOPMENT, AT REAL PROPERTY LOCATED AT 264 WINDSOR DRIVE, ELYRIA, OHIO

Minutes Approved

January 16, 2024
Regular Council Meeting
Elyria City Council

Mitchell moved, Cerra seconded to approve this ordinance on its third reading under suspension of rules.

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

4. APPROVAL OF MINUTES:

Cerra moved, Mitchell seconded to approve the Council Meeting Minutes of the December 18, 2023 meeting as circulated.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor Brubaker:

Mayor Brubaker expressed his appreciation to the Elyria MLK Commission for facilitating the 37th Commemorative March from Elyria City Hall to Elyria High School on Monday January 15th. Mayor Brubaker expressed the phenomenal number of youth participants and how well organized the program was put together and well received. Mayor Brubaker provided a reminder regarding the special planning commission meeting scheduled for Thursday, January 18th to discuss the rezoning of the property behind Lowes. Mayor Brubaker provided a statement that was part of a press release earlier in the day regarding the Parmely incident (attached). Lastly, Mayor Brubaker presents an award for years of service to retiring Waste Water Pollution Control Plant Superintendent Terry Korzan. Superintendent Korzan’s last day as a full- time employee will be January 31st, however he will begin on February 1st as a part-time employee to sign the books at the Waste Water Pollution Control Plant. The new Superintendent of the plant was introduced, Mr. Shane Stewart. Superintendent Stewart is in the process of completing his licensure. Superintendent will maintain the responsibility of Ohio EPA signature requirements. An award for years of service from 1995 to 2024 was presented to Superintendent Terry Korzan. President Stewart expressed that Superintendent Korzan’s service over the years has been invaluable to the city. President Stewart expressed his appreciation for a job well done and congratulated Superintendent Korzan.

Safety Service Director:

Safety Service Director Pyanowski shared that in addition to Shane Stewart’s promotion to Superintendent at the Waste Water Pollution Control Plant effective February 1st, Rodney Eye will become the CMG Supervisor, replacing Joe Strohsack, and Rick Boone will become the interim Supervisor at the Sanitation Department.

Assistant Finance Director: No Report

Assistant Finance Director Farrell congratulated Superintended Korzan

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5. REMARKS AND REPORTS OF CITY OFFICIALS:

Law Director Deery:

Law Director Deery congratulated Superintendent Korzan. Law Director Deery shared that she was aware council and audience members were anticipating the Life Care Contract as an agenda item, however, towards the end of last week, it had become apparent that a final draft of the contract would not be available in preparation of the meeting, however plans are to have the Lifecare contract available to present on the next council agenda of February 5, 2024.

EPD:

Elyria Police Chief Pelko provided an update that two new dispatchers, Jeanette Cruz and Leslie Watmore were welcomed to the Police Department the week of January 8th. The new dispatchers will complete four to five months of training in preparation of being able to work on their own. Three new officers will be sworn-in on January 29th at 3:00 p.m. One of the new hires has completed the police academy, the other two will need complete the academy training. Chief Pelko congratulated Mr. Korzan for his years of service. Lastly, Chief Pelko shared warming shelters remained open through Wednesday January 17th at noon. He provided a reminder to all to dress warmly and drive safely on the slippery roads.

Councilmember Cerra inquired about lateral transfers. Chief Pelko explained that a lateral list is open with ten applicants on the list. The deadline to apply is January 31, 2024.

Council member Siwierka inquired if the dispatchers were replacements, additions, or anticipating retirements. Chief Pelko explained the new hires were additions, the Police force is authorized for twelve, the workforce currently has ten, in order to be at capacity, they are looking to hire two additional dispatchers. Council member Siwierka inquired on the work hours of the dispatchers. Chief Pelko shared the dispatcher hours are eight - hour shifts.

EFD: No Report

Chief Pronesti congratulated Superintended Korzan.

Council member Callahan inquired about the eclipse and asked if Chief Pronesti could provide additional information. Chief Pronesti shared that it is predicted the amount of visitors to Lorain County will be triple the population of the county. Currently local hotels are booked. Meetings are scheduled with the city leadership to discuss things going forward. The eclipse is predicted to be a two-three day event that will require additional staffing. The assistance for mutual aid will be nonexistent. Chief Pronesti is in charge of organizing a countywide response plan. The city schools will be closed and he will provide additional information regarding municipal closings. To avoid additional traffic, it is recommended that as many people stay home as possible.

ASSD CALVERT:

ASSD Calvert congratulated business Black Tip, LLC. For receiving a \$100,000 Jobs Ohio Workforce Grant. Black Tip LLC is the parent company of Bee Valve Cabletek / Pioneer Products and Plastic Enterprises. The company was bought out through new ownership in 2022. Bee Valve Cabletek experienced a tremendous growth and explored location options, ultimately, they decided to remain in the City of Elyria. Bee Valve Cabletek has two facilities within the city, consideration to sell or lease one of the facilities and consolidate their operations is on the table. The good news is that forty jobs will open u for the City of Elyria. ASSD Calvert

5. REMARKS AND REPORTS OF CITY OFFICIALS:

provided a special thank you to Lorain County Community Development who in collaboration with Magnet Team Neo and Jobs Ohio worked collectively to pursue the awarded grant. President Stewart stated he is excited about the company staying in the City of Elyria and job creation is always a plus. Council member Schneider expressed the news of job expansion is great and inquired about an update to the Pivotal grant for the Foster Ave. site. ASSD Calvert shared the grant through the State of Ohio was awarded. A meeting is scheduled in the upcoming weeks to confirm a \$250,000 grant match from the city of Elyria in support of the project. A local match is a requirement of the funding grant. ASSD Calvert explained a request for a CRA abatement would need to be considered as well.

ENG. MCKILLIPS:

Engineer McKillips provided an update on construction projects that are continuing in the cold weather. The cold weather has pushed back the schedule of some projects. The big sewer project, has made some progress, Poplar Street is open for drive through. Harwood Street between Poplar and Dillworth remains closed. The crew at the intersection of Gulf Rd. and Cleveland Street have encountered three feet of hard rock. The area has required more time for progression with the excavation. Engineer McKillips reminded everyone that businesses are still open in the area of the construction and encouraged residents to continue to support the businesses. Council member Siwierka inquired of the work near the Gyro House and the Foundry on West River Rd. engineer McKillips responded the lead service contractor was completing work on West River Rd.

BO FARKAS: No report

President Stewart had Superintendent Shayne Stewart stand up to be recognized and welcomed him in his new role.

SUPT. KORZAN:

Superintendent Korzan expressed his appreciation to council and the administration for all of the support provided to him over the years. He expressed his appreciation to his supervisory team at the Wastewater Plant and to all of the employees. Superintendent Korzan explained sixty-nine positions exist within the department and despite the challenges of the job, they succeed in their work all of the time. He expressed his appreciation to all department heads and shared that the departments work cohesively together and over the years have been arm in arm together in their work. Superintendent Korzan expressed it has been a great pleasure to serve the residents of the great city of Elyria and he is grateful to have been afforded the opportunity. Council member Lipian thanked Superintendent Korzan for his years of service.

6. PRESIDENT'S REFERRAL'S

1. The matter of appointment of a Community Reinvestment Area Housing CRA Council Member.

REFERRED BY: CD DIR SCOTT

REFERRED TO: COMMUNITY DEVELOPMENT

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6. PRESIDENT'S REFERRAL'S

2. The matter of appointment of Regina Shockley and reappointment of Dennis Carter to the Tax Incentive Review Council.

REFERRED BY: MAYOR BRUBAKER

REFERRED TO: COMMUNITY DEVELOPMENT

3. The matter of the request for an exception to the City's Subordination Policy for Community Rehabilitation Loans.

REFERRED BY: CD DIRECTOR SCOTT

REFERRED TO: COMMUNITY DEVELOPMENT

4. The matter of a passing a resolution for the Lorain County Auditor regarding the receipt of funds.

REFERRED BY: FIN. DIRECTOR PILESKI

REFERRED TO: FINANCE

5. The matter of a demo lien referral for 235 Bath St, \$18,990.

REFERRED BY: BUILDING OFFICIAL FARKAS

REFERRED TO: FINANCE

6. The matter of authorizing the City of Elyria to apply for and accept up to \$15,000 for asset management program development.

REFERRED BY: WTL JACOB

REFERRED TO: FINANCE/ UTILITIES

7. The matter of authorizing the Mayor to enter into a Local Public Agency (LPA) agreement with ODOT for the LOR- Elyria TLCI Phase 5 project.

REFERRED BY: ENGINEER MCKILLIPS

REFERRED TO: FINANCE/ UTILITIES

8 - 10 Received and Placed on file in the clerk's office:

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

9. November 2023 General Fund Cash Balance Report

10. December 2023 General Fund Cash Balance Report

Council member Mitchell explained that with only one utilities referral, the Utilities meeting would be combined with the CD/Finance Committee meeting for January 29th.

7. PETITIONS- LOBBY:

Larry Klipstein- 959 Oakwood Dr. Elyria- Lifecare/ Information: Exhibit 'A'

Nick Katsaros- 6326 Lake Avenue, Elyria- First Energy Representative- Introduction to new council members.

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8. PETITIONS--COUNCIL MEMBERS: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS FIRST READING:

Sponsored by:	<u>RESOLUTION NO. 2024-1</u>
Finance:	A RESOLUTION APPROVING A LIST SUBMITTED BY THE
P. Tollett	SAFETY SERVICE DIRECTOR FOR THE COLLECTION OF
M. Siwierka	DELINQUENT INACTIVE UTILITY ACCOUNTS AND
B. Davis	DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID
C. Schneider	ACCOUNTS TO THE LORAIN COUNTY AUDITOR.
J. Cerra	

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

SUSPENSION	PASSAGE
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES--FIRST READINGS:

Sponsored by:	<u>ORDINANCE NO. 2024-2</u>
Community	AN ORDINANCE ACCEPTING THE PETITION OF TYLLIN,
Development:	LTD. FOR ANNEXATION OF 5.9668 ACRES OF LAND TO THE
T. Callahan	CITY OF ELYRIA.
A. Lipian	
C. Schneider	
D. Mitchell	
K. Oswald	

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

SUSPENSION	PASSAGE
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

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13. ORDINANCES--FIRST READINGS: Continued

Sponsored by: **ORDINANCE NO. 2024- 3**
Finance: AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
P. Tollett INTO A PROFESSIONAL SERVICES AGREEMENT WITH
M. Siwierka MCCAULLEY & COMPANY LLC FOR GRANT CONSULTING
B. Davis AND WRITING, GOVERNMENT AND PUBLIC RELATIONS,
C. Schneider AND RESOURCE DEVELOPMENT SERVICES, AND
J. Cerra DECLARING AN EMERGENCY.

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

SUSPENSION	PASSAGE
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by: **ORDINANCE NO. 2024- 4**
Finance: AN ORDINANCE RATIFYING THE APPLICATION OF THE
P. Tollett MAYOR FOR THE VIOLENT CRIME REDUCTION GRANT
M. Siwierka PROGRAM FROM THE STATE OF OHIO, DEPARTMENT OF
B. Davis PUBLIC SAFETY, OFFICE OF CRIMINAL JUSTICE SERVICES,
C. Schneider AUTHORIZING THE ACCEPTANCE OF SAID GRANT, IF
J. Cerra OFFERED, 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.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

Sponsored by: **ORDINANCE NO. 2024- 5**
Finance: AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR
P. Tollett TO CREATE A NEW CAPITAL PROJECT FUND, AND
M. Siwierka DECLARING AN EMERGENCY.
B. Davis
C. Schneider
J. Cerra

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: 11	AYE: 11	AYE: 11
NAY: 0	NAY: 0	NAY: 0

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13. ORDINANCES--FIRST READINGS: Continued

ABSENT: 0 ABSENT: 0 ABSENT: 0
MOTION CARRIED MOTION CARRIED MOTION CARRIED

Sponsored by:

Utilities:

- D. Mitchell
- V. Stewart III
- K. Oswald
- B. Armstrong

Finance:

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

ORDINANCE NO. 2024- 6

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CHEMICALS FOR THE WATER PUMPING PLANT FOR YEARS 2024 AND 2025, 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: 11 AYE: 11 AYE: 11
NAY: 0 NAY: 0 NAY: 0
ABSENT: 0 ABSENT: 0 ABSENT: 0
MOTION CARRIED MOTION CARRIED MOTION CARRIED

Sponsored by:

Utilities:

- D. Mitchell
- V. Stewart III
- K. Oswald
- B. Armstrong

ORDINANCE NO. 2024-7

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR CHEMICALS FOR THE WASTEWATER POLLUTION CONTROL (WWPC) PLANT FOR CHEMICALS FOR YEARS 2024 AND 2025, 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: 11 AYE: 11 AYE: 11
NAY: 0 NAY: 0 NAY: 0
ABSENT: 0 ABSENT: 0 ABSENT: 0
MOTION CARRIED MOTION CARRIED MOTION CARRIED

January 16, 2024
Regular Council Meeting
Elyria City Council

13. ORDINANCES--FIRST READINGS: Continued

Sponsored by:

Utilities:

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

Finance:

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

ORDINANCE NO. 2024-8

AN ORDINANCE AUTHORIZING THE MAYOR TO EXERCISE THE FIRST YEAR OPTION OF THE EXISTING SLUDGE DISPOSAL CONTRACT WITH LORAIN COUNTY LANDFILL, LLC, FOR SLUDGE DISPOSAL.

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

SUSPENSION	PASSAGE
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT

Mon. 1/29/2024 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE

Mon. 1/29/2024 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE

Mon. 1/29/2024 Immediately following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT

Mon. 1/29/2024 Combined with Finance All Referred Items Council Chambers w/SSD, Law Director, Engineer All

Minutes Approved

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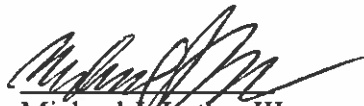
16. COMMITTEE CALLS: Continued

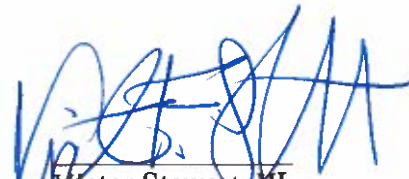
COUNCIL/STRATEGIC PLANNING 2/5/2024 Immediately following Council Meeting All
Referred Items
Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

17. MISCELLANEOUS AND UNFINISHED BUSINESS: None

18. ADJOURNMENT:

Mitchell moved, Cerra seconded to adjourn the Regular Council Meeting at 7:40P.M.
MOTION CARRIED


Michael J. Lotko, III
Clerk of Council


Victor Stewart, III
President of Council

RLP/

Exhibit 'A'

Statement from Mayor Brubaker

On January 11th, 2024, the Elyria Police Department executed a search warrant on Parmely Avenue. Following this, allegations of police misconduct arose. I instructed City officials to gather footage from cameras worn by officers on the scene. Given the extreme and disturbing nature of the allegations, I requested that footage be reviewed and released to the public as soon as possible. Today, that review process, which is required by law, was completed on footage captured by several body-worn cameras. I am releasing that footage now. In addition, I am also releasing several statements and reports written after the incident by those on scene, including a written explanation of all personal information redactions.

The footage captured clear video and audio of the search warrant's execution, including officers' actions both inside and outside the home. The footage also includes interactions with both the mother and child throughout the incident.

While the footage captured clearly illustrates what did and did not occur when the search warrant was executed, it does not answer questions of what led to the warrant itself. To answer those questions, I have also requested an external investigation.

At approximately 4:00 p.m. yesterday, January 15th, my office requested the Lorain County Sheriff's Office begin an investigation into the process to obtain the search warrant, as well as the incident itself. Given the extreme nature of the allegations, I want all remaining questions answered transparently and independently.

I again thank Elyria's for your patience as we worked to get the facts out to you, and I thank the many City staff members who expedited that process.

The following link will take you to the video footage. Attached are reports filed immediately after the incident by officers and medics on scene.

Parmely Avenue Footage

Mayor Brubaker

Cityofelyria.org

REQUEST TO ADDRESS COUNCIL

NAME Larry Kupsteld DATE 1-16-24
ADDRESS 959 Oakwood Dr. PHONE _____
REPRESENTING Self EMAIL _____
(If self, please specify)

**PLEASE NOTE: REMARKS ARE LIMITED TO THREE (3) MINUTES
A COPY OF YOUR REMARKS ARE TO BE GIVEN TO THE CLERK OF
COUNCIL TO BE DISTRIBUTED TO ALL COUNCIL MEMBERS**

Have you contacted the appropriate department? Yes _____ No

Who in the department was contacted? _____ Date

Have you contacted the Mayor? Yes _____ No

Have you contacted the Safety Service Director? Yes _____ No

Have you contacted your Ward Council person? Yes _____ No

SUBJECT:

LIFE LINE
INFORMATED TO COUNCIL

**PLEASE NOTE: MATTERS WHICH HAVE HAD, OR WILL HAVE A PUBLIC
HEARING SHALL NOT BE OPEN FOR DISCUSSION FROM THE LOBBY DURING
THE COUNCIL MEETING.**

ELYRIA CITY COUNCIL MEETING

JANUARY 16, 2024

- **Life Care contract: We do need ambulance service but should not give a blank check for 5 years with no options on numbers or our total cost. Billing the caller should also be looked at to recoup the cost to the city. Some insurance companies will cover this. Also, sharing this cost with Life Care. It is not the city's responsibility to cover an independent business cost. Who will be next?**
-
- **Information updates: there are many projects in the city that are announced, but no updates: Old Holiday Inn, Motel on Bell & 57 slated for demolition that is now up for sale. New computerized light systems, EGames Center, Midway Mall area downtown renovations and projects. Information in today's time is most important in keeping the citizens updated on projects. Social media, city web page. An information session should be given at least monthly at a council meeting.**

FirstEnergy

6326 Lake Avenue
Elyria, OH 44035

Nick Katsaros

Regional External Affairs

440-326-3211
Cell: 419-271-1313

Report an Outage: 888-544-4877
Customer Service: 800-633-4766

nkatsaros@firstenergycorp.com

Exhibit 'A'

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Mayor Brubaker

Cityofelyria.org



REQUEST TO ADDRESS COUNCIL

NAME LARRY KUPSTED DATE 1-16-24
ADDRESS 959 Oakwood Dr. PHONE _____
REPRESENTING Self EMAIL _____
(If self, please specify)

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Have you contacted the Safety Service Director? Yes _____ No

Have you contacted your Ward Council person? Yes _____ No

SUBJECT:

LIFE CARE

INFORMATED TO COUNCIL

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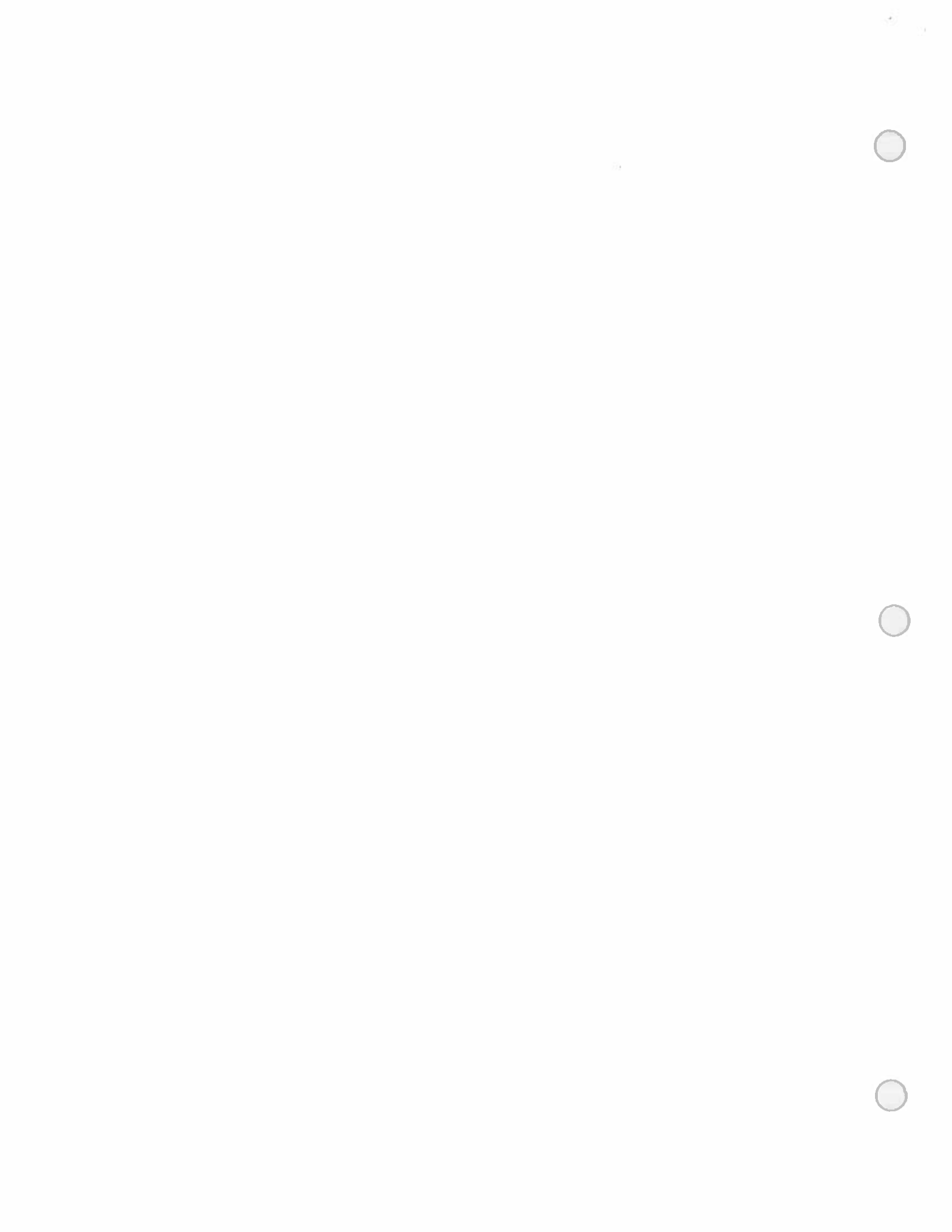
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**ELYRIA CITY COUNCIL MEETING
JANUARY 16, 2024**

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